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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

TAKING THE ''FREE'' OUT OF THE FREE ENTERPRISE SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, this is a propitious day. The market dropped 500 points yesterday, the largest drop since 2001. The economic and regulatory policies of this President has certainly taken the ''free'' out of the free enterprise system. Across America, the dominoes are falling.

Bear Stearns fell a few months ago; Fannie Mae, Freddie Mac, a week ago; a distress sale of Merrill Lynch over the weekend; Lehman Brothers is looking for bankruptcy on Monday morning; and the auto industry is looking for another $25 million in bailout; and AIG wants a $40 billion bridge loan from the Federal Reserve. The stock market, as I say, went down 500 points yesterday. No one really thinks we can see the light at the end of the tunnel.

Who's next? We can't answer that question of who is next, other than to say an awful lot of people in the financial industry are working nights and weekends to assess their exposure, and do damage control, if possible.

What's next? This is a question we can begin to answer. What's next is that the American people are going to be on the hook for the Bush problem for the next generation, and in so many ways will have to pay much of the financial mess.

The last 8 years of this administration, they did everything they could to eliminate, gut, stymie, and ignore responsibility for regulatory oversight by the Federal Government. This administration worshipped at the altar of the free enterprise system and the market. The President wanted the gold, but without a standard.

Republicans did everything they could to let the financial industry do anything it wanted, regardless of consequence. At the same time, the administration made clear in its Federal appointments they wanted Federal regulatory agencies on the sidelines.

Without government oversight watching out for the interests of the American people, the industry turned free rein into freewheeling, irresponsible policies. When the dominoes began to fall, the administration stepped in to charge billions for bailouts to the American people. And it's not over yet.

The current financial crisis is the worst in decades, and yet the shell game goes on. The administration wants to hide the extent of the damage, the risk, and the burden on the American people.

I would like to enter into the RECORD the lead Sunday editorial in the New York Times, called: Bailout Hide and Seek.

The Federal budget deficit has swelled to more than $400 billion, and is headed for $500 billion, but the administration wants to keep the cost of the bailouts off the Federal books. They want to hide the magnitude of the crisis and their duplicity in making it possible for the last 8 years of economic abandonment.

Things are so bad that no one can accurately predict what the cost will be or how much the American people have been saddled with. The only thing the administration keeps saying is, Charge it to the American people. Just like the Iraq war, which is adding up to a trillion-dollar tab.

This President misspent the public trust and squandered the full faith and credit of the American people. The bills just keep coming due after the administration leaves office. They say in business: There's no such thing as a free lunch. What they don't say is that the President has arranged for the American people to pick up the tab.

The American financial crisis is the culmination of Republican economic policies. Spend freely, lower taxes, and don't ask anybody to make any kind of sacrifice for a war. Just spend. They got what they wanted, and left the American people holding the bag, and the tab.

The next administration will not only have to rebuild America's moral leadership in the world, we will have to rebuild America's economic system and the confidence here at home. The legacy of this President is clear. He took the ''free'' out of the free enterprise system, and instead billed it to the American people.

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Madam Speaker, we can't wait to have the change that BARACK OBAMA will bring for this country.

[From the New York Times, Sept. 14, 2008]

BAILOUT HIDE AND SEEK

On Friday, less than a week after the government took control of Fannie Mae and Freddie Mac, the White House announced that there is no reason at this time to account for the companies in the federal budget. That is great news for officials who prefer to hide the cost of the bailout since it is due, in large part, to their failure to adequately regulate the financial markets and steward the economy. But it is an insult to taxpayers, whose money is at risk, and it is a reckless gambit.

The Congressional Budget Office reported on Tuesday that the government's finances are deteriorating rapidly: the budget deficit for this year is expected to reach $407 billion, more than double last year's shortfall, and to exceed $500 billion in 2009. The takeover of Fannie and Freddie, necessary though it is, will add to the deterioration. Airbrushing that away will only open the door to uninformed—or negligent—decisions on spending and tax cuts.

The White House says that the extent of the government's control of Fannie and Freddie does not warrant including the companies' operations in the budget. That is absurd. The government has seized the companies, firing their executives and installing new ones, offering to invest up to $200 billion in the companies if necessary, and most significant, making an ironclad promise to pay their trillions of dollars in obligations, if need be. The White House also claims that the risk to taxpayers is not yet serious enough to require that the costs be shown in the budget. But there is a very real cost to guaranteeing the obligations of Fannie and Freddie, even if the government never has to cough up a penny. The taxpayer is on the hook while the guarantee is outstanding—and the Treasury says that will last past Dec. 31, 2009, when its bailout authority officially ends.

The Congressional Budget Office has said that it will calculate the cost of taxpayers' risk and include it in its version of the budget, which is separate from the White House version of the budget. Having conflicting budgets is hardly a good way to restore confidence in the government's financial management. But the C.B.O. accounting will prevent the White House from saying, in effect, ''yes, bondholders, your investments are fully guaranteed, but you, dear taxpayers, don't worry, it costs you nothing.'' As the government (read: taxpayers) assumes additional risks, it is more important than ever to get the accounting right. Accurately reflecting the budget cost of the Fannie and Freddie bailout would not lead to an explosion in public debt. Prudent accounting, accurately applied, would limit the amount that must be counted against the nation's overall debt ceiling. Accurately accounting for risk would limit the cost of making good on the companies' obligations to a figure that reflects the likelihood of taxpayers actually having to pay up.

No one yet knows the ultimate cost of the bailout, but it is already more than zero.

DEFENSE APPROPRIATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 5 minutes.

Mr. FLAKE. Madam Speaker, I rise this morning just to shed a little light on the defense bill we may or may not be considering this year in the next week or so. There's a rumor going around that the defense bill might even be brought to the floor without going through a full Appropriations Committee markup.

Now that is troubling in itself, but what is more troubling is that there are some 1,200 earmarks in this defense appropriation bill that very few Members of this body have actually even seen. That list has been passed around to Appropriations Committee members. A few members of the press have seen it. Our office managed to see a copy of the report. But virtually nobody else has seen it. That is 1,200 earmarks. For all the talk about transparency and a new process and where these earmarks will be vetted, we see very little of that here.

I have been troubled for a long time at the number of earmarks that go through this body. A lot of people have been troubled. The whole country is troubled by the number of earmarks that go through this body without really even being seen and without anybody knowing what they are about.

It's not just the money that is spent. We all know that earmarks leverage higher spending everywhere else. Because once you get an earmark in an appropriation bill, then you're really obligated, almost obligated, to vote for that entire bill, no matter how bloated that bill becomes. So you see higher spending everywhere else. Also, earmarks are put in unrelated bills in order to garner votes for other bills. But let me just talk about the defense bill here just a minute.

Members of Congress, those who defend the secretive earmarks, often say that Members of Congress know their districts far better than these faceless bureaucrats in the administration, and that somehow, having Members of Congress sneak a secretive earmark into a conference report, is somehow better than having the administration decide where that money is spent.

Now I am not here to defend bureaucrats or to defend the spending of money, but I can tell you it's not a good process when Members of Congress can put an item in a bill and have so little scrutiny, and what tends to happen is those who are up on the food chain in Congress, those on the Appropriations Committee, those who are in leadership positions, committee chairs, tend to get a disproportionate number of earmarks.

So the argument that earmarks go to places because Members of Congress know their districts better than faceless bureaucrats really means that whoever has the power in this body gets the earmarks.

Let me demonstrate a little here. Of the 1,200 earmarks tucked into the full committee report of this bill, it's worth about $2.8 billion. Of these earmarks, more than 400 go directly to Members who sit on the Appropriations Committee. An additional 111 are associated with appropriators. These are earmarks that were requested by that appropriator, as well as a few other Members.

I would remind my colleagues that appropriators make up 15 percent of the Members in this body. Yet, in this bill, appropriators alone are taking 44 percent of the earmarks. Again, just 15 percent of the Members of the body, and 44 percent of the earmarks.

When you translate that into actual dollar amounts, appropriators are taking $1.6 billion taxpayer dollars back to their district. This represents 48 percent of the total dollars earmarked in this massive appropriations bill.

So what we have here, Madam Speaker, is a spoils system. It's not any high-minded, I know my district better than some faceless bureaucrat. It's, If I am an appropriator, or I am in a leadership position, I'm in a good position to get these earmarks.

Let me just run through a couple of the earmarks in the bill. This is a defense bill. The purpose of this appropriation bill is to fund our troops and to fund our defense. Yet, we have, for example, something called the Presidio Heritage Center in California. It may be a worthy project. It may be something a local government or local people want to fund, but why in the world the Congress is funding it in the defense bill, I just don't know.

But if this bill comes to the floor without being marked up in committee, nobody will be able to challenge it in committee. Nobody will be able to see it. If it comes to the floor under any other auspices than an open rule, then no Members of this body, the body as a whole, will be able to even question it.

There's also something called a Cold Weather Layering System. That is usually a highfalutin word for a coat. Sometimes gloves are put in here under big names about hand-warming systems, or whatever else, when it shouldn't be funded in the defense bill at all.

Another one, University Strategic Partnerships, Renewable Carbon Fuel from Algae. These may be good projects, but they shouldn't be in the defense bill.

CLEAN ENERGY ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. INSLEE) for 5 minutes.

Mr. INSLEE. I have come this morning to take issue with a comment by one of the candidates for President about how our economy is doing fine, the fundamentals are strong. I want to say that we have to do some major work rebuilding our economy and rebuilding millions of jobs, and that we will have a bill on the floor this week that we will propose to restore economic growth by rebuilding a new, clean energy economy for America.

We believe that we need to have a new birth of whole new industries in America to start to replace the hemorrhaging of jobs that we have suffered,

and we believe that we can do this by building green collar jobs and a whole new clean economy for America.

In the next few days, we will be proposing to the House a comprehensive energy bill that will be focused on building new jobs in America. And we think Americans deserve this. We think Americans are ready for this. And we think it is an American destiny, as we were the arsenal of democracy in World War II, to now become the arsenal of clean energy for the world.

I want to talk about some of the things I've learned just in the last few months about our ability to grow a new clean energy economy in the world.

I'd like to refer to a photograph taken a few weeks ago in Golden, Colorado. This is a photograph taken at the National Renewable Energy Lab. This lab is vested with the charge to help build new technologies to grow new jobs in America. I want to report this picture, I think, encapsulates the potential future for the American transportation system and the American new energy system to drive jobs in that direction.

This is a photograph of a photovoltaic array, this panel here that is mounted on this pedestal. On the other side of this metal is a photovoltaic array that basically captures the sun's energy and transfers it to electric energy. This array itself is attached to these two cars here. These two cars are plug-in electric cars. These are two cars that essentially we will plug in at night, when these cars are on the road. And they are mass produced in America.

These cars plug in at night. We charge them for 8 hours. And then they will run about 40 miles on all electricity. So that these cars will emit no carbon dioxide. They'll run just on energy and electricity for 40 miles. If you want to go more than 40 miles a day, you'll run on gasoline or ethanol for the remaining 200, 250-mile range, plus.

Now the wonderful thing about this, and I've done a lot of research, but something I learned, and I was very impressed with the young man at the National Renewable Lab that told me that this array right here, which isn't a lot larger, you can see, than a rooftop, will charge in 8 hours, fully charge, two of these plug-in electric cars to run a full 40 miles on electricity, and they then can run on gasoline an additional 200, 250 miles.

This was a remarkable statement to me because this picture, I believe, is Exhibit A in our ability to totally revolutionize our transportation system and grow millions of new jobs in America to do that. Let me give you an example of that.

These photovoltaic arrays are now being manufactured in America, not just in the silicone-based systems that we're familiar with, but 2 months ago at the Nano Solar Company in California, Americans produced the first thin-cell photovoltaic to actually have a revolutionary system that is 30 to 40 percent less expensive for a lot of energy coming from these photovoltaic arrays. Those are manufacturing jobs in America.

General Motors is getting ready in 2010 or 2011 to mass produce the first plug-in electric car in America, where we are going to put Americans to work in this manufacturing process.

This is why I mention this. We will have a bill on the floor in the next few days that will truly advance these manufacturing millions of new green collar jobs in solar, in plug-in electric cars, by doing several things. It will create a tax code that will give benefits to companies to manufacture these products. It will give tax breaks to Americans to buy these products. It will create a 15 percent requirement that our utilities use these new, clean energy sources. It will create a research and development fund to help do the research to bring these to market.

And my Republican colleagues, I will call on them and we will call on them to join us in a comprehensive bill to truly help the development of these new technologies. We hope they will abandon their shortsighted view that these technologies aren't the future. This is the future.

AMERICAN ENERGY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. SCALISE) for 5 minutes.

Mr. SCALISE. Madam Speaker, in the last 4 months, there has been a very intense debate going on here in this Congress, but also across the entire country, and that debate has been about energy; about what can be done to lower the price of gasoline at the pump and reduce our dependence on Middle Eastern oil. It's a very healthy debate, a debate that we need to have, but a debate that we need to resolve here in this body with an open debate and vote on the options that have been put on the table.

Back 2 months ago, House Republicans put together a bill that actually has garnered bipartisan support, called the American Energy Act, a comprehensive plan to address this national energy crisis our country is facing, both to look at what we can do to increase the supply of American oil, to reduce our dependence on Middle Eastern oil in the short-term, but also to look at the long-term objectives of how to move off of oil and move more toward alternative sources, like renewable sources of energy, looking at wind, looking at solar, and trying to advance those technologies so that they can become more viable in the marketplace so that somebody can go and buy an electric car and be able to drive back and forth to work without plugging it in for 6 hours.

Those technologies will advance, and in the American Energy Act we are encouraging those renewable sources of energy, to advance things like, instead of using products like corn for ethanol, using the biomass, the waste products of things like corn and sugar cane and other products, to make ethanol, which we can do. The technologies haven't advanced to the point where they are commercially viable. All of that is here in the American Energy Act. To look at doing things like increasing the ability to permit nuclear facilities so we can reduce our dependence on Middle Eastern oil. All of the things that have been talked about in the last few months have been encompassed in a bill that has bipartisan support.

Unfortunately, the liberal leadership has not allowed a discussion, a debate, or a vote on the American Energy Act. So what we have said is, Bring it up. If you don't like it, let's bring up amendments. Let's have everything put on the table to address this important discussion that is so important to our country, and hurting our economy. Something that we can do to help the economy.

So what happens? What is the approach that is taken by the liberal leadership? By dark of night, last night, we finally saw what their plan was. It was this bill that was put together in a back room somewhere with who knows what groups, because nobody, even people on the other side, Madam Speaker, members of the Democratic Party who support a comprehensive plan, were not even allowed to have input on the bill that was filed late last night, dark of night, with a 10 o'clock filing of the bill. At 10:30, they had a meeting to decide that they weren't even going to allow an amendment to be brought up, and that today it would come up on the House floor for a vote. That is not the way you handle the most important issue in this country that we are facing right now.

When there's been an alternative on the table for a month, with active discussion, you don't by dark of night put something together that nobody's seen, and then say, Okay, tomorrow we're going to bring it up for a vote, and not one amendment can be offered.

Of course, once you start looking through their bill, you can quickly see why they did it by dark of night and why they don't want any amendments offered. Because this bill that they are going to have a vote on today, that nobody has been able to go through in great detail, the more you look at it, you realize this is a do-nothing bill. This bill will actually put our country more at risk to Middle Eastern oil. Why is that?

Well, there are a number of provisions. First, let's talk about revenue sharing. Right now, States have the ability to get revenue sharing for the drilling that they do. In my State, Louisiana, we drill about 30 percent of the country's oil. We have been doing it for a long time. Finally, after years and years of negotiation, we were able to get an agreement that there would be revenue sharing. That we would be able to participate in the revenue that

is generated by the drilling that's done off of our own coast. It doesn't start until 2017. Their bill takes that away.

Why is that significant to States like Louisiana? Number one, it's a huge disincentive for anybody to want to drill. If a State that doesn't drill at all, like Florida, now wants to start looking at drilling, which they do, this takes away their incentive. We use those revenues in Louisiana. It's dedicated in our constitution to rebuilding our vanishing coast. That's our barrier against future hurricanes. Why would the Democratic leadership want to take away our ability to have revenue sharing that we will use to restore our coast and put our hurricane barrier back in place in Louisiana?

They don't do anything on oil shale revenue sharing. They don't do anything on the lawsuit abuses. Right now, lawsuits by radical environmental groups take up about a third of the time it takes to bring oil to market. They don't do anything on nuclear, to encourage more nuclear power, like in France. France uses 80 percent nuclear power for their energy in their homes. There's nothing in this bill to encourage and remove those barriers on nuclear.

So, clearly, OPEC could not have drafted a better bill than the bill that the radical environmentalists/liberals filed today. I would encourage a ''no'' vote.

A COMPREHENSIVE NATIONAL ENERGY POLICY WILL LEAD TO A BETTER FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. KAGEN) for 5 minutes.

Mr. KAGEN. Thank you, Madam Speaker.

To solve our crippling crisis of impossible gas prices that are now over $4 per gallon in Wisconsin, we need a comprehensive national energy policy and strategy. And we need leaders who are on our side—not Big Oil. But where is the administration's plan? You see it at the gas station at the corner every day.

This crisis was totally predictable and, unfortunately, it is forcing every family, every business, and governments at every level to operate in a perpetual state of crisis planning. In fact, today's impossible gas prices are threatening the survival of major manufacturers and small businesses alike, even as ongoing speculation in oil futures remains unrestrained. The truth is there is no shortage of fuel. We just don't have the money in our pockets to pay for the energy we need.

There is a better way of doing things in America. Although alternative energies will not be available to meet our needs for a number of years, we cannot just wait any longer to make plans for our energy independence. We need to start producing more of our own energy right here and right now. If we want to keep more of our money here at home, support the U.S. economy and provide American jobs, then we must produce more of our own oil and natural gas as well.

It's time to say ''no'' to the campaign cash handed out by big oil corporations to lobbyists and other special interests here in Washington. The first priority is to stop pointing fingers and instead start joining hands across the aisle.

Let's begin to work together and develop a comprehensive energy plan, a plan that is created not behind closed doors, but right here on the House floor, right here in the open.

For months, I have been advocating a three-point policy plan. First, we do have to drill for new oil and natural gas here in America. Our Nation has substantial untapped oil reserves, both under Federal land already leased to oil companies and offshore in U.S. territories. With appropriate safeguards, like giving States the right to decide if they will allow drilling off their shores, these reserves should be drilled and the oil extracted from them, which is our own oil, should be sold to Americans first.

Second, we must invest in every form of renewable energy available, whether it be solar, wind, geothermal, and even the new nuclear technologies. We have to invest our money here at home in renewable energy.

Washington's role should include promoting millions of new jobs with the tax incentives for United States companies to invest in this new technology.

Third, we must prevent price manipulation everywhere in the world. Stopping the unfair speculation in the oil market can immediately lower the price of gas at the pump and provide families and small businesses with immediate relief.

Also, I have called on the President and his allies time and time again to sell a portion of our Strategic Petroleum Reserve, which would immediately drop the price at the pump.

These three steps are fundamental to the success of an independent energy future for America, and they will create millions of new jobs.

In the coming days, Congress will take up a comprehensive package that will provide relief for consumers, will end our dependence on foreign oil, and create millions of new jobs and grow our economy. We must promote energy efficiency and invest in renewable sources of energy. We must responsibly increase domestic supplies, and without taxpayer subsidies to oil companies. It is my hope that this will be a bipartisan energy bill that will address all of these concerns.

I look forward to joining with my Democratic and Republican colleagues right here in Congress to try a different approach, something that will work. Let's try working together for a change, and find a legislative solution. It will require compromise. And in the legislative process, that is how business gets done.

None of this will be easy, and some of it won't be quick. But the time is right to craft a national energy policy that allows working families in Wisconsin to spend less of their money padding the bank accounts of oil executives, and more of their money on their own families.

By working together, we really will build a better future, and an energy independent future for all of us.

ENERGY PRICES RISING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Madam Speaker, our Nation is suffering. While many citizens are living paycheck to paycheck, energy prices have been rising, affecting the daily lives of Americans, getting to their jobs, getting children to school, and causing the cost of goods to increase significantly due to rising transportation costs. Rising energy costs affect individuals, families, and businesses, both large and small.

We must gain control of energy prices, and must do so in a reasonable and rational manner, with an eye toward the future and a plan which accomplishes energy independence while respecting our environment and providing real relief to individuals, not promoting yet another program that benefits Big Oil, at the expense of the taxpayer.

There are very real differences between Democrats and Republicans when we talk about energy issues. We are in the mess we are in now because the interests of Big Oil have, for far too long, been given priority over the needs of our citizens. Big Oil has reaped the rewards. Even now, while Americans struggle for ways they can reduce their individual energy consumption, ways they can survive while the price of gasoline, home energy costs, groceries, indeed almost everything has outstripped their income, the Republicans are touting a plan that, according to yesterday's and today's New York Times editorials, would do little to increase the supply or reduce the price of oil.

The New York Times editorial: ''It would do little to increase the supply or reduce the price of oil. Oil companies already have access to nearly 80 percent of all American offshore oil that is technically recoverable. This bill would probably open up less than half of the remaining 20 percent, amounting to approximately two-thirds of 1 percent of all globally recoverable sources. The Department of Energy has already stated that the effect on prices would be insignificant.''

The very party which has led us down this path of dependence on Big Oil, that has repeatedly squelched innovation and interest in renewable resources and alternative forms of energy, now wishes to save us with the simple mantra: Drill, baby, drill.

According to another New York Times op-ed published yesterday, drilling in the Arctic National Wildlife Refuge and from currently restricted offshore sites could translate into an extra million barrels of oil a day in the year 2025. That is 17 years from now, Madam Speaker. Please note that. An extra million barrels in 2008 or 2009? No. 2025.

Sure, it takes time to make real change. But 17 years from now we can expect the Republican fix to result in lowering the price of crude by only 1.3 percent. So the party of Bush and CHENEY, the party of Big Oil, the party that Texas gave us, is going to fix the situation they have created just 17 years from now, and with a 1.3 percent cut. In the meantime, Big Oil's profits will continue to rise.

The Republican record on energy programs which have helped Americans is poor indeed. Let's look at the facts and decide if we need another Republican energy plan.

According to the Energy Information Administration, the price of gas is now $3.65, up from $1.46 when President Bush took office. A 150 percent increase. The price of gas was $2.29 when Republicans adopted their energy plan. Today, it's a 59 percent increase. $3.65.

Republican energy policies have resulted in record profits for oil companies. The five largest companies have posted profits of $556 billion from 2001 to 2007, including $123 billion in 2007 alone. Yet, Republicans have voted against nearly every energy initiative brought to the House floor.

Madam Speaker, I submit to you we must do everything we can, and examine every option in our efforts to help American citizens and to change our energy culture. Yes, we must look at drilling, but we need to be responsible in our approach and ensure that we are making decisions that actually achieve our goals, and our goals must be to help the taxpayers, not the oil corporations.

We must look at alternative forms of energy, we must look at renewable energy, we must look at every aspect of energy consumption before we act. There are real differences here, and I hope Congress will do the heavy lifting and make the difficult choices necessary to do what is right for the American people.

It's long past the time for rhetoric. It's time to tackle this real challenge and come up with real solutions, not short-term fixes, which will lead the American public, once again, footing the bill for Big Oil.

Madam Speaker, today the New York Times had another editorial. The New York Times' independent observations:

''Voters are furious at high gas prices. Republicans are happily pandering at their anger. Congress has sensibly renewed the moratorium each year for the last 26. Unfortunately, these are not sensible times, which means that congressional Democrats, particularly House Speaker NANCY PELOSI, must try hard to make the best of a bad situation. The situation, briefly, is this: The Republicans have been bludgeoning the Democrats with the claim that Democrat opposition to offshore drilling is to blame for high fuel prices and that drilling is the answer, or one answer, to the country's dependence on foreign oil. We find it hard to imagine that they really believe what they say. Drilling will have no impact on fuel prices for at least 15 years, if then, and any number of efficiency measures will do more to reduce the country's dependence than drilling for America's modest offshore reserves. But the chant of drill, baby, drill, is playing far too well. Ms. PELOSI's compromise deserves support.''

STAND UP AND BE COUNTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. BURGESS) for 5 minutes.

Mr. BURGESS. Before I came to the United States Congress, in another life, I was a physician, and oftentimes when I was introduced to speak at an engagement back home, the person doing the introductions will say, Do you want to be referred to as Doctor or Congressman? I usually start off with perhaps a little lighthearted humor in that, Well, physicians still enjoy about a 70 to 80 percent approval rating with the American public, and Members of Congress enjoy about a 7 to 8 percent approval rating with the country. So, mother always called me Doctor, and that is what I'd prefer to be called. But it's really a sad commentary on the institution that our credibility is at such a low ebb.

Now we just had the gentleman from Tennessee talk about an editorial in the New York Times. Since he brought it up, let me refer attention to the New York Times from yesterday. Reading it on the airplane up here, they referenced the fact that we have a serious problem with the chairman of our Ways and Means Committee and the credibility has been lost for the individual who is head of the largest tax-writing body in the House of Representatives.

The Tax Code in this country is complex. No one understands it. People understand how mistakes can be made. But the chairman of that body, at the very least, ought to hold himself above reproach. And yes, maybe one transgression, perhaps two, but transgression after transgression after transgression is more than the American people can tolerate.

We are going to debate an energy bill today. But the fact is we are not really going to accomplish anything on energy. Yes, I know they have the votes. They can pass pretty much whatever they want. They can ram it to the floor, like they did last night, 15 minutes before it goes to the Rules Committee, and then here on the floor, as if by magic, today. But this bill is dead on arrival in the Senate. It is going to do nothing to help the American people.

Here's the tragedy. Out in the countryside, no one believes that we have the ability to do much of anything. We couldn't talk about border security or immigration reform because we have no credibility. We can't talk about what we are going to do with the economy because we have no credibility.

The credibility of this institution was badly damaged prior to the 2006 election, and I grant you it was an election strategy by the other side that worked. Paint the working majority at that time as one that wasn't working, and we will get to take credit for it and we will get to take power.

So look at where we are today, 22½ months later. Are we out of Iraq? I don't think so. Are gas prices lower? I don't think so. All of those things were promised during the run-up to the last election. And, yes, they promised to be the most ethical and competent Congress that the country had seen in quite some time.

Now I call on the 30 new Members on the majority side who were elected on this platform to stand up. Stand up in your conference and be counted. Now is the time. We have a serious crisis of credibility on one of the major committees in the United States Congress, and we can't get past that point. One individual holds in his hand the power to begin to restore some of the credibility to the institution that we so sorely need.

I call on the freshmen Democrats to ask the chairman to step aside, whether temporarily or permanently, but step aside until he solves his own problems so that the institution is not left carrying that weight. I think the institution of the House of Representatives deserves no less than that courtesy at a time when our economy is suffering, our energy prices are high, and certainly the ability of the country to defend the border has been seriously questioned. This is the time.

This is the time that the House needs to have maximum credibility to get these issues accomplished and, at the same time, here we are talking about the same things and over and over again.

Again, I call on the freshmen Members, stand up to your Speaker, stand up to the powerful committee chairmen. Let's move past this point. You have other capable members on the majority side on the Committee on Ways and Means who can serve, either temporarily or permanently, to serve that body, and let's move past this point.

It's time. The American people are waiting on us to do the big work, and we can't do it because we are bound up in these seemingly endless quandaries that we find ourselves in. Let's show the American people that we can lead. Maybe then they will restore some of the credibility to us.

THE COST OF ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. WAMP) for 5 minutes.

Mr. WAMP. Madam Speaker, over the last 14 years that I have had the privilege to serve in the U.S. House of Representatives, I have tried not to be excessively partisan. Frankly, having grown up a Democrat and become a Republican during the Reagan movement in this country, I feel like neither party has an exclusive on integrity, neither party has an exclusive on ideas.

But I feel compelled, Madam Speaker, to come to the floor today to say that one issue right now is burning in the American public like no other issue, and that is the cost of energy. This morning, the economy is sliding rapidly downward, primarily because of energy.

Now there's talk in the House here and in the Congress of a second stimulus bill that includes a variety of things that the new majority, the Democrat majority, has cobbled together. But the most important thing we could do for the American economy is to pass the American Energy Act, which is the Republican bill that opens up all of our oil and gas resources in this country. That is the most important thing we could do for the economy. For jobs and productivity and exports and standing our country back up economically, it is the most important thing.

Yet today it's going to be suppressed again because the Democratic energy alternative is a very limited, watered-down effort, designed, honestly, to just give some of their members a vote so they can say, Oh, we voted to drill a little bit and go home to campaign. Yet their idea of economic stimulus is going to be more government, more spending, more borrowed money, and it's really unfortunate.

It's really unfortunate because the most important thing we could do is just pass this robust energy bill, and in our bill we share the revenues with the States that opt in, that want to have Outer Continental Shelf oil and gas exploration in the zone where the oil and gas is, in the Gulf or off the West Coast, this resource that's been locked up for a long period of time, that we now know has to be unlocked, and Hurricane Ike was another reminder over the weekend that we need to diversify our supply, increase our supply, and have a robust approach to this, and not a very limited approach.

I will tell you where the problem lies. The American people are really frustrated. I have local officials calling me every day, angry, because the people they represent don't have anywhere to turn. Gas in east Tennessee was $4.99 a gallon this weekend. People on fixed incomes are hurting and hurting and hurting and they wonder what the heck is going on in Congress and how is this happening. I have got to tell you, it's called extremism.

Now environmentalism is a good thing if it's a responsible, logical, commonsense resource management idea. It's a good thing. But extreme environmentalism is the problem. Extreme environmentalism has locked up our energy resources for a long period of time. And these Sierra Club types lobby the Congress and they score these Members and they say, If you don't vote with us all the time, you're somehow a radical person in the back pockets of oil and gas, and all this. Let me tell you, they're extreme.

On every new permit in this country, every single one for oil and gas exploration, they have immediately filed a lawsuit to tie it up in court, and they have got an unlimited supply of lawyers to sue to keep us from bringing any new oil and gas resources on the market. That is a huge problem. It's called extremism in the environmental community.

For years and years, they have been lobbying this place, and I have been here, and I have seen it. Now it's come home to roost. These are our problems.

Today, we need to give the Republicans a vote on the American Energy Act today in the House, and let's unleash the economy again and lower the cost of energy before it's too late, guys.

Ladies and gentlemen of the House, this is an important day. It's not about politics, it's about the people we represent and the fact they have nowhere else to turn. We need action. We need it today. This is not a partisan thing. There are really responsible people on both sides of the aisle that need to come together. And the liberals from San Francisco don't need to govern national policy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 44 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 10 a.m.

PRAYER

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

Lord God of creation and reconciliation, called to address the effects of the hurricane season upon the Nation, we must also face honestly the economic fractures of the present moment. Monetary matters, just as natural disasters, call us to be people of faith, hope and love.

The biblical vision of creation, covenant and community summons people to stand strong and together in a time of tension between promise and fulfillment. Positioned here by You, we commit ourselves to solidarity with those suffering the most from hurricane and from economic situations. The ordinary laborer cannot distance himself from the speculative investor. All are frightened by the shaken terrain, and all must find new ground where they can stand together.

As people of the covenant, Lord, we can confront those attitudes and ways of acting which institutionalize injustice even when they are discovered within our very selves. For our quest for economic and social justice arises from faith, is sustained by hope, and seeks to heal a broken world that still seeks Your lasting justice and loving kindness. Be with us now and forever. Amen.

THE JOURNAL

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

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

Mr. PENCE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. PENCE. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. GINGREY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 2135) ''An Act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.''.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

ESTHER KARINGE

The Clerk called the bill (H.R. 1485) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 1485

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 1485. I commend Chairman CONYERS, Subcommittee Chairman LOFGREN, and Representative BOUCHER for their tireless work on this most important legislation.

I am particularly pleased that the bill we are voting on today gives Ms. Esther Karinge, a constituent in my district, an opportunity to escape persecution in Kenya and live freely with her son in the United States.

While living in Kenya with her uncle—a local political official—Esther and her family received harassment and death threats during a time of tremendous political unrest still present in the region. Esther left her home and sought out protection in the United States in 1994.

Esther's case, while strong enough on the grounds that she faced persecution or worse in Kenya, is further complicated by the fact that not long after arriving in the United States, Esther gave birth to her son Nicholas. Nicholas was born prematurely, and was diagnosed with cerebral palsy and deafness. As a single parent to Nicholas, who is wheelchair bound, Esther has gone above and beyond for her now 11-year-old child, who has relied solely on his mother for survival. Because of Nicholas's perseverance, and the unconditional love and support of Esther, doctors believe that Nicholas may someday walk on his own.

Esther has worked hard to secure a better life for herself and her son, while becoming an important part of our community in Malden. For several years, Esther served at the Refugee Immigration Ministry in Malden, Massachusetts, as a case manager working with women who fled their countries for the same reason she did—fear of persecution. Esther also serves as a member of the board of directors for the Immigrant Learning Center, a not-for-profit offering English language classes in my district.

Today, we are one step closer to protecting the life of Esther, and the great potential of her son Nicholas. Again, I would like to thank Chairman CONYERS, Subcommittee Chairman LOFGREN, and Representative BOUCHER for their commitment to this body and legislation. I urge adoption of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIGERU YAMADA

The Clerk called the bill (H.R. 2760) for the relief of Shigeru Yamada.

There being no objection, the Clerk read the bill as follows:

H.R. 2760

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Shigeru Yamada shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. FILNER. Mr. Speaker, I would like to thank the Speaker, Chairman CONYERS, and Chairwoman LOFGREN for passing H.R. 2760 on the private calendar today. Shigeru Yamada is an extraordinary young man who has faced much personal adversity in his life but has been a model student, athlete and member of the Chula Vista community. He has worked hard to overcome his personal tragedy while attending school and being active in civic organizations. Yamada came to the United States legally in 1992 at the age of 10 with his mother and two younger sisters and due to tragedy and changes in the immigration laws, he was to be deported despite the fact that he has assimilated into American society. The passage of this bill in the House brings justice one step closer to Yamada. We want and need more people like him in our country and he deserves the opportunity to become a citizen.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORINA DE CHALUP TURCINOVIC

The Clerk called the bill (H.R. 5030) for the relief of Corina de Chalup Turcinovic.

There being no objection, the Clerk read the bill as follows:

H.R. 5030

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CORINA DE CHALUP TURCINOVIC.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Corina de Chalup Turcinovic enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant

visa or permanent residence to Corina de Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KUMI IIZUKA-BARCENA

The Clerk called the bill (H.R. 5243) for the relief of Kumi Iizuka-Barcena.

There being no objection, the Clerk read the bill as follows:

H.R. 5243

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

SECTION 1. PERMANENT RESIDENT STATUS FOR KUMI IIZUKA-BARCENA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Kumi Iizuka-Barcena shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Kumi Iizuka-Barcena enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Kumi Iizuka-Barcena, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIKAEL ADRIAN CHRISTOPHER FIGUEROA ALVAREZ

The Clerk called the bill (H.R. 2575) for the relief of Mikael Adrian Christopher Figueroa Alvarez.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 30 requests for 1-minute speeches on each side of the aisle.

HURRICANE GUSTAV'S IMPACT ON LOUISIANA

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

Mr. CAZAYOUX. Mr. Speaker, this past Labor Day, Hurricane Gustav made landfall in Cocodrie, Louisiana. It packed sustained winds of up to 110 miles per hour and tore across the State, uprooting trees and damaging property along its way.

Many across the country watched as the levees of New Orleans held. Miraculously and thankfully, they held. As the levees held, the media left and did not see the vast destruction left behind in the Baton Rouge area. It was the worst storm to hit the Baton Rouge area in its history. Louisiana has many people to thank for their efforts in helping in this time of great need, the first responders, its parish and local officials, the National Guardsmen and women, and the States who sent their men and women to Louisiana to help in this time of need.

Since then, Hurricane Ike has hit and has reinforced the notion that natural disasters and the damages they inflict cannot be avoided. We can only hope to respond as best as possible to minimize that aftereffects. It is our job as Congressmen and women to aid our fellow citizens in this time of greatest need.

Over the next 2 weeks, I urge my colleagues to ensure that the victims of Hurricanes Gustav and Ike are not left behind and that we continue to improve the Federal Government's, and particularly FEMA's, response to natural disasters.

DEMOCRATS' BOGUS ENERGY BILL PUNISHES OUR NATION

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

Mr. DAVIS of Kentucky. Mr. Speaker, energy is the number one strategic issue facing this Nation. Has the Democratic Congress done anything credible to address it? No. In fact, when they do, they drop a bogus bill in the watches of the night and expect everybody to swallow it.

Their bill still blocks over 80 percent of offshore drilling and has no credible alternatives that are proven, like coal to liquid, oil shale, tar sands or nuclear. This bill is bad for Kentucky. The Democratic leadership has totally misled the American people with this bogus bill.

I rise in opposition. This bill punishes the elderly, working families, our schools and all industry in this country. This bogus measure punishes the heartland of America that grows the food, produces the goods and creates the energy that this Nation runs on.

I call on all Kentuckians and all Americans to stand up and call this Democratic-led Congress what it is, useless. Vote ''no'' on their bill. And Mr. Speaker, give us a vote on a bill that matters, that will change the American people and that will help us build a future: The American Energy Act introduced by Republicans in this Congress.

REMEMBERING ISAAC HAYES

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

Mr. COHEN. Mr. Speaker, last month, the City of Memphis and the world lost a great entertainer and humanitarian in Isaac Hayes. Today on this House floor, we will pass H. Res. 1425 memorializing my good friend and a great world citizen who was an actor, a musician and a humanitarian.

Isaac Hayes, like Elvis, came to Memphis from the rural Midsouth, a poor person who was raised in the cotton fields and came to Memphis and got his education at Manassas High School. Elvis went to Sam Phillips and Sun Records. John Lennon said before Elvis there was nothing, but after Elvis there was Isaac Hayes. Isaac Hayes put a new form to music, pretty much created hip hop, received Oscars and Grammys and produced his signature song ''The Theme From Shaft,'' which began a kind of a new genre of music.

He was a wonderful human being to be around. He inspired greatness and wrote great songs with his dear friend and co-composer, David Porter, ''Hold On I'm Comin' '' and other great songs by Sam and Dave. ''Black Moses'' will be remembered for years to come. We're fortunate he has come our way and lent his talents to the world. We'll miss him. He was my friend.

THE SHAM ENERGY BILL

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

Mr. BROUN of Georgia. Mr. Speaker, last night at about 9:45, a bill was introduced that we're going to vote on

this morning. It has been in the hopper for almost 12 hours now. It has been called a sham. It has been called a farce. But let me tell you, it's a bald-faced lie to the American people. This so-called energy bill is not going to produce one drop of oil, not the first one. We don't know all that is in this bill because we were just presented it last night.

There are some things that are not in this bill, and I can guarantee you there is no nuclear energy. We're not going to even be able to drill for oil and gas on the Outer Continental Shelf. There is no way to stop in this bill the endless lawsuits by the radical environmentalists. This is a nonenergy energy bill. It's a lie to the American public. It is a cover to try to look like the Democratic majority is trying to do something. They say they represent the poor, the elderly and the underprivileged. But that is a lie, too, because the underprivileged and the poor are being hammered by increased energy costs. And we cannot afford to continue on this process.

A NEW DIRECTION ENERGY POLICY

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

Mr. WALZ of Minnesota. Mr. Speaker, it is true: The Bush-Cheney energy plan has been a giant success, but for big oil companies, not the American people. America is still addicted to foreign oil, and gas prices are through the roof.

It's time for a new direction in our energy policy. This week, House Democrats are bringing up that legislation. I was proud to work with a bipartisan group of Democrats and Republicans to craft a piece of legislation. Many of those ideas are incorporated into this plan. It invests in renewable energy, responsibly increases domestic supply by opening up the Outer Continental Shelf for drilling and releases oil from the Strategic Petroleum Reserve.

One thing it does that is very good, it eliminates unnecessary tax breaks and subsidies to Big Oil and asks them to pay their fair share of royalties so we can invest in renewables.

All Americans, Republicans and Democrats, who believe it is time for our country to move in a new direction towards energy independence should join us and move this ball forward. This legislation will create millions of good-paying American jobs in the renewable energy industry, and it will begin to break the stranglehold of foreign oil over this Nation.

□ 1015

STOP PLAYING POLITICS WITH AMERICA'S ENERGY INDEPENDENCE

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

Mr. PENCE. Mr. Speaker, the American people are hurting. They are struggling under the weight of record gasoline prices, and in that cause Republicans have been fighting for a comprehensive energy bill that includes more drilling. Three-quarters of Americans agree with us.

Just last week, the drill-nothing Democrat Congress announced they are going to bring an energy bill to the floor that includes more drilling. And now they say Republicans have to take ''yes'' for an answer.

Well, I would suggest to my countrymen, Mr. Speaker, that they look at the fine print. The drill-nothing Congress has brought a bill that actually includes basically drill-nothing provisions. They say ''yes'' to drilling, but not in Alaska, not in the eastern gulf, and not within 50 miles.

They say ''yes'' to drilling, but States can decide, even though they get absolutely no revenues for choosing to drill. I guess States are going to just allow drilling out of the goodness of their hearts.

They say ''yes'' to drilling, but litigation rules will allow environmental lawyers to tie up all leases from the very day they are filed.

I say to my House Democrat colleagues from my heart, on behalf of our constituents who are struggling under record gasoline prices, end this charade. Stop playing politics with America's energy independence. Bring us a full and fair debate to this floor and you will see a bipartisan result.

CONTRACTOR ACCOUNTABILITY

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

Ms. SCHAKOWSKY. Mr. Speaker, one year ago today, Blackwater contractors opened fire in Baghdad's Nisoor Square, killing 17 Iraqi civilians. This wasn't the first time private security contractors used excessive force.

It has now been 21 months since the Christmas Eve murder in the Green Zone, and 3½ years since a Blackwater helicopter dropped CS gas on a traffic jam in Baghdad. Yet there have been no arrests, no charges, no trials and no conviction. In fact, the Blackwater contractor responsible for the Christmas Eve shooting is now employed as a prison guard in Washington State.

Instead of holding Blackwater accountable for violating the law, last April the State Department rewarded Blackwater by renewing their billion dollar contract. Before we even consider giving Blackwater another penny of U.S. taxpayer dollars, we should hold private security contractors accountable under the law.

On the 1-year anniversary, I urge my colleagues to cosponsor the Stop Outsourcing Security, SOS, Act, H.R. 4102, to begin phasing out the use of private security contractors. The longer we wait to fix this problem, the worse the situation is going to get, not only for Iraqi civilians, but for our troops on the ground.

DO-NOTHING CONGRESS

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

Ms. FOXX. Mr. Speaker, this is indeed the do-nothing Congress. The Speaker of the House and the majority leader in 2006 made many, many promises. Among them was to bring down the price of gasoline, to have the most open Congress in the history of the Congress, to have the most bipartisan Congress. Every single one of those promises has been broken, and broken many, many times.

It is important that the American public understand that the Democrats are in charge of this Congress. The Democrats have the capability of bringing up a bill to allow us to vote to bring down the price of gasoline. But the bill they are going to bring up today is bogus, a sham, an illusion, a charade. All of those words that have been used are appropriate.

The Democrats are proving that they are anti-American energy. Republicans are pro-American energy. Republicans want to increase the supply. We want to increase our efforts at conservation. We want to increase alternatives.

The Democrats are totally out of touch with the American people. From August 1 until the end of December, they plan to work 14 days for the American public.

McCAIN'S ASSESSMENT OF ECONOMY SHOWS HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Ms. WATSON. Mr. Speaker, earlier this year Senator McCAIN said he needed to study up on the economy because it was not his strong suit. You can certainly say that again. Yesterday Senator McCAIN once again said, and I am quoting now, ''The fundamentals of our economy are strong.'' His comments came on a day when the stock market fell 500 points, its worst drop in 7 years, and Lehman Brothers filed for bankruptcy.

What fundamentals is Senator McCAIN referring to? It certainly can't be the fundamentals of ensuring more Americans have a job. Every moment this year, the Bush-McCain economy has shed tens of thousands of jobs. To date, more than 600,000 jobs have been lost.

Nor can it be the fundamentals of ensuring that middle-class Americans are prospering. Over the last 8 years under the Bush-McCain economy, real wages have actually fallen by $300, while basic necessities like food, gas, health care, and education have skyrocketed.

Mr. Speaker, Senator MCCAIN needs to study up more on the economy and reject the failed economic policies of the last 8 years.

REPUBLICANS WILL NOT BE SILENCED ON ENERGY ISSUES

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

Mrs. BACHMANN. Mr. Speaker, the American people are not only frustrated; they are absolutely outraged this morning when they wake up to discover that not only has the Speaker of the House decided there won't be any new energy production this year, in 2008, no relief is on the way, she has also decided political speech is not going to be allowed on the floor of this House.

This morning, Republicans were so outraged when they heard what the Democrat Congress had done, that 150 of our Members planned to be on the floor to talk about the outrage of this bill. When the Speaker heard that, she decided to limit us to 30 people being able to speak this morning.

Well, Mr. Speaker, one thing that will not be put under a bushel will be the outrage of the American people over this perceived and actual hoax of a bill, this charade we are going to vote on today.

I have in my hand amendments that I had hoped to offer to give Americans some real energy production. Not only will they not be allowed, but the voices of the American people will not be heard on this floor this morning, because the Speaker of the House has decided it will not be.

I am afraid, Mr. Speaker, that Speaker PELOSI has vastly underrated the American people. They will not be squelched. They will be heard. Our voices will be heard on this issue. We will not be silenced.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel and will limit their remarks to 1 minute.

COMPREHENSIVE ENERGY PACKAGE WILL GIVE MONEY TO TAXPAYERS AND CONSUMERS

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

Mr. YARMUTH. Mr. Speaker, this week Congress will vote on an all-inclusive energy package that will lower gas prices for consumers and put money back in taxpayers' pockets.

The Democratic energy plan will require oil companies to pay royalties on leases they have had for years but never paid to use. Big Oil has raked in record profits, the largest in American history this year, while Americans pump hundreds of dollars into their gas tank. It is time Big Oil pay American taxpayers the $15 billion it owes all of us for drilling on the American people's land.

For years, Washington Republicans have been showering Big Oil with tax breaks and subsidies. With the big oil companies amassing record profits every quarter, they certainly don't need this corporate welfare. The Democratic plan will repeal these giveaways to the big five oil companies and invest money in renewable money and programs, like LIHEAP, that will help Americans heat their homes this winter.

Mr. Speaker, the Democratic energy plan helps Americans who have been suffering from George Bush's failed energy policies for far too long.

PROPOSED ENERGY BILL IS A SHAM

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

Mr. CARTER. Mr. Speaker, it is a good thing we don't have Pinocchios working in this House or we would have some noses growing. To stand up and say this is a bipartisan bill when the first Republican saw it, I was present when it happened at 9:45 last night while we were speaking on the floor of the House, ought to make somebody's nose grow.

To call this a bipartisan bill is a sham, and we ought to call it what it is. This is a bill shoved down the throats of the American people, without the voice of the majority of the Members of this House having anything to do with this energy plan.

Look right here and see what it doesn't do: No real offshore exploration; no renewables without high taxes; no real oil shale drilling; off limits permanently, Arctic coastal plain; emissions-free nuclear, no; clean coal, coal-to-liquid, no; new refinery capacity, no. We got five of them out in Texas right now. No energy tax hike, no; no electricity spikes, no; lawsuit reform, no; playing politics with energy, yes.

That is what we have been given today. That is what we have. Meanwhile, on the coast, people suffer. Let's really address energy.

DEMOCRAT ENERGY PLAN SIDES WITH CONSUMERS WHILE GOP ENERGY PLAN SIDES WITH BIG OIL

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

Mr. CARNAHAN. Mr. Speaker, while Big Oil rakes in record profits this year, American families are struggling with pain at the pump. House Democrats are working to pass a comprehensive energy plan that lowers prices for consumers, expands renewable energy and creates good-paying jobs here at home.

The old Bush-Cheney policy, written by and for the oil companies, is the gift that keeps on giving to Big Oil; more land, more public land, more taxpayer dollars and more record profits.

Every Representative in this House has a clear choice this month: Talk about an all-of-the-above plan, or take action. They can join with Democrats in siding with consumers struggling with energy costs, or continue to side with Big Oil. They can support a policy that will create good-paying American jobs and increase our Nation's security, or continue to argue for a drill-only plan. As T. Boone Pickens has said clearly, this is one problem we cannot drill our way out of.

Mr. Speaker, the Democratic energy plan will bring down prices at the pump and invest in renewable energy for our future. It deserves strong bipartisan support.

ALL-OF-THE-ABOVE ENERGY ACT NEEDED

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

Mr. GINGREY. Mr. Speaker, for the last 2 months we have been telling the Speaker and the Democratic majority that we need an all-of-the-above American Energy Act, and the Speaker has responded by saying any bill that includes drilling is a hoax.

Well, Mr. Speaker, she has presented at 10 o'clock last night a 290-page hoax in regard to the drilling provision. It is absolutely a hoax. It gives absolutely no revenues to the States for any drilling between 50 and 100 miles. We already allow that off the coasts of Texas and Louisiana, and you are going to expect these east coast States or California to let us drill with no revenue sharing? It ain't going to happen, and she knows it.

Now, in regard to the energy proposals that we have made in the American Energy Act, we have 10 up here, and none of these are included in the Pelosi no energy bill. None of the above. NOTA. Think of the acronym, N-O-T-A, not an energy bill.

If she would give us four of these; real offshore exploration, emission-free nuclear, new refinery capacity, who could say we don't need that, and lawsuit reform, so the extreme environmentalists don't destroy every opportunity.

This is not an energy bill. NOTA, N-O-T-A.

COMPREHENSIVE ENERGY PACKAGE WILL INVEST IN RENEWABLE ENERGY AND CREATE JOBS

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

Ms. EDWARDS of Maryland. Mr. Speaker, very shortly this Congress,

this Democratic Congress, is going to do what the Republicans failed to do for more than a decade of their leadership, and that is to present and vote on a comprehensive energy package that will expand renewable sources of energy for the future and create good-paying jobs here in America.

This plan for the 21st century extends tax incentives for renewable energy, hybrid cars, energy-efficient buildings and homes. It requires utility companies to generate 15 percent of their electricity from renewable sources such as wind, geothermal and solar power.

This is our new energy future. And the legislation forces oil companies to pay their fair share for drilling on the American people's land. Big Oil should pay taxpayers to use their land. We will use that money, $15 billion, to develop clean energy sources and alternative fuels, to develop greater efficiency and improve conservation.

Investments in renewable energy will create hundreds of thousands of good-paying jobs here in America, at a time when the Bush economy is shedding tens of thousands of jobs every month.

Mr. Speaker, this is a comprehensive energy plan. It is a Democratic plan that the American people have been waiting for for the future. Republicans just don't get it. This plan is about the future and not about the past.

□ 1030

ENERGY BILL FAILS AMERICAN PEOPLE

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

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat hoax energy bill appears to be another disappointing response to families hurt by high gasoline prices. Never mind the fact that this bill was written by the House Democrat leadership, never considered in committee and devoid of any input from the minority.

Among the numerous troubling parts of their proposal is the refusal to allow States such as South Carolina to share in revenues from offshore drilling. What a slap to those coastal communities to say that we will drill off your coast, but yet withhold revenues.

This is the money that could help pay for new roads and beach renourishment. Meanwhile, they insist on a renewable energy mandate that will increase America's electric bills and harm our rural electric co-ops. They raise taxes and fail to address refineries, ANWR or expanding clean nuclear power.

This bill is a hoax on the American people. It won't become law, and the Democrat leadership knows it. This is not leadership and not what the American people deserve.

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

REPUBLICANS CLAIM THEY WANT ALL OF THE ABOVE—BUT HAVE DONE NOTHING TO LOWER GAS PRICES

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

Mr. CLAY. Mr. Speaker, for 8 years, Washington Republicans have favored record profits for Big Oil while Americans are paying record prices at the pump. Congressional Republicans say they want an all-of-the-above plan, but their actions speak differently. Republicans have voted against every piece of legislation that would responsibly invest in renewable energy and would bring down gas prices for consumers.

We proposed legislation to crack down on price gouging and curb excess speculation, but House Republicans said no. We proposed lowering gas prices immediately by tapping the Strategic Petroleum Reserve, which lowered prices by 33 percent when the President's father took similar action in 1991, but Republicans said no. We proposed legislation that would force Big Oil to drill on 68 million acres of land to increase oil production here at home. Again, House Republicans said no.

This week, the Republicans will have the opportunity to support real reform and say yes.

NO DRILL, NO ENERGY BILL

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

Mr. GOODLATTE. Mr. Speaker, when Speaker PELOSI said that an energy bill that included drilling would be a hoax, she knew what she was talking about.

Last night, in the dead of night, the Democratic leadership brought forward a no drill, no energy bill. That bill is a hoax on the American people, just as she said it would be. You can put lipstick on a no-drill, no-energy bill, but it's still a no-drill, no-energy bill.

I have introduced legislation, many others have, to allow the States to participate in drilling off their coasts. Their bill prohibits that.

We will see no drilling, we will see no oil production, no access to oil production in more than 90 percent of the areas where oil exists, and we should go after it. Nothing in this bill for nuclear power, nothing in this bill for coal-to-liquid technology, nothing in this bill for the American people, nothing in this bill for my constituents, nothing but a hoax on the American people.

McCAIN'S ASSESSMENT OF ECONOMY SHOWS THAT HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. WELCH of Vermont. Mr. Speaker, it's becoming quite apparent that our economy is in peril. The biggest casualty in this economy are middle-class families trying to hang on by their fingernails.

We have got a different point of view by our leadership. President Bush says that the 500-point collapse is just, quote, a correction. Mr. McCAIN, Senator McCAIN says the economy is fundamentally sound.

The reality is that the economy has become weak, with policies that have deregulated financial institutions leading to the collapse of some of our longest-standing, historically most solid institutions like Lehman Brothers. For 8 years, the Bush-McCain economic policy has had a radical proposition that we can deregulate everything and leave everything to Wall Street, and it will all take care of itself.

Now American families, businesses on Main Street, are beginning to pay the price for this economic failure under the Bush administration.

The only way we can change our economy is by returning to the basic principle that our economic policies should all be about building the middle class.

EIGHTY DOLLARS TO FILL UP A MINIVAN IS A CRISIS

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

Mr. KELLER of Florida. Mr. Speaker, when a single mom in Orlando, Florida, is paying $80 to fill up her minivan, that's a crisis. It's a crisis that this Democratic energy bill does not address.

Now, why doesn't it address it? Democratic colleagues at the Sierra Club, the head of the Sierra Club said, ''We're better off without cheap gas.'' Well, let's look at the specifics. There is no ANWR in this bill whatsoever, even though it's the single largest untapped source of oil in the United States of America.

With 10.4 billion barrels of oil available, that's enough to provide all of Florida's energy needs for 29 years. It's enough to give us 1 million barrels of oil a day every single day for the next 30 years, but it's nowhere in the bill.

Why? Because we're better off without cheap gas, according to the Democrats and their colleagues. Well, we are not better off without cheap gas, we are better off without cheap political stunts, and that's what this Democratic energy bill is.

I urge my colleagues to vote ''no'' on it and give us an up-or-down vote on the American Energy Act.

BILLIONS OF DOLLARS NEEDED TO RECOVER FROM HURRICANE IKE

(Mr. AL GREEN of Texas asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, Hurricane Ike came through Texas, landed near Houston. Much of the area in my State, especially in the Houston-Galveston area along the gulf coast, has been decimated. It will take billions of dollars for us to recover.

We are asking that this House understands the needs of the people of Texas and the areas that have been devastated. We will have to lend some assistance to the areas that need our help at a most important time.

For fear that someone may not understand, we are truly all in this together. Dr. King reminded us that life is an inescapable network of mutuality tied to a single garment of destiny. Whatever impacts one directly, impacts all indirectly.

Though you may live in some far corner of the United States of America, there are earthquakes, there are fires, there are storms that will come into your life. We are all going to need some help at some point.

So I am begging those of you who can, please understand that we have got to help Texans and Americans through this.

ALLOW OPEN, FULL AND FAIR DEBATE

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

Mr. WESTMORELAND. Mr. Speaker, this bill that was introduced last night at 9:45 has the same MO as the other lies that the Democratic Party have told the American people.

I quote here from A Congress Working for all Americans, something put out by the then-Democratic minority trying to become the majority. ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process.'' More smoke and mirrors to get elected.

In fact, Mr. PAUL KANJORSKI stated it best when he was talking to a reporter about the promises the Democrats made on the campaign trail, ''We sort of stretched the truth, and people ate it up.'' They have stretched the truth.

Speaker PELOSI in April 2006, said, we have a plan to lower the skyrocketing price gas prices. It was $2.06 at the time. Now, as you know, it's over $4.

But Mr. DEFAZIO from Oregon told the truth. He said, ''It is sad to see the Republicans come to this.'' Now they laughingly say this will lead to higher prices.

The energy bill they passed in January of 2007 has caused gas prices to double. This is a sham.

DRILLING ALONE IS NOT THE ANSWER

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the Bush-Cheney energy plan, supported by the Republican majority here in Congress, is 95 percent implemented. Yet the prices have increased by 150 percent. For the last 12 years, up until this term, the Republicans have been in the majority, along with the President.

Democrats have been the majority less than 2 years, and we are trying to put together a piece of legislation that brings in every aspect of some type of resolution for the energy shortage. All of us know that drilling alone is not the answer.

We can drill all we want to. The population of the world has gotten so large that there is no way it's going to be enough to do what we need to do. We have got to do alternative fuels that's in this bill, even including the possibility of nuclear energy.

I will support this bill strongly because it has a multiple number of ways to address this problem.

DEMOCRAT INACTION ON FAILING TO ADOPT A COMPREHENSIVE ENERGY POLICY

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

Mr. LATTA. Mr. Speaker, the Democrat inaction on failing to adopt a comprehensive energy policy has come home to roost. We see this happened in the last hurricane. We have over 20 percent of our oil being produced in the gulf, and these oil rigs being shut down, and the refineries being shut down.

Americans are suffering. We have to diversify. Once again, when you look at the energy proposals here, we have to be up in ANWR. There's 10.3 billion barrels of oil up there that we need to be drilling. We have got to get that oil down here.

We have to make sure that there is natural gas, make sure that people can heat their homes this winter. We have to make sure that the folks that are out there driving trucks or tractors have diesel. We have to have that to make sure we keep our energy prices down and our food prices down.

But the time to act is now. We have to have a comprehensive energy plan. The Republicans have put forward all of the above. All of the above is to make sure that we have nuclear, clean coal technology, hydro. We have to make sure that we drill, that we make sure that we have all of the alternatives out there, but we have to do it now. If we don't get it done now, the rest the world will pass us by. Next year China is becoming the number one manufacturing country in the world.

It's time to act right now.

SEEING THE EFFECT OF REPUBLICAN POLICIES

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

Mr. DAVIS of Illinois. Mr. Speaker, the truth is that from 2001 to 2007, Republicans controlled all levels of power here in Washington. It was their opportunity to put the conservative economic ideas that they have been talking about for decades into law, and they did it.

Today we see the effect of these policies. Middle-class families are being squeezed by wages that have actually fallen by $300 since President Bush took office, 3.4 million more Americans are unemployed, 5.7 million more Americans are living in poverty.

Foreclosure rates have hit a record high with 2.5 million families expected to lose their homes this year. The dollar remains weak because President Bush continues to borrow record amounts of money from other countries.

This is the economy Washington Republicans created with policies towards the needs of the wealthiest few over those of hard-working, middle-class Americans. Now Senator MCCAIN vows to continue those same economic policies if he wins the Presidency.

That does not sound like change to me.

NO ENERGY BILL

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

Mrs. MUSGRAVE. Mr. Speaker, the Democrat no-energy bill before us today is an absolute travesty. The bill will permanently lock up the first 50 miles of coastline and keep the next 50 miles under lock and key until coastal States pass a law permitting production.

They don't have any incentive to do so, so it essentially locks up the first 100 miles of coastline where most of our resources are located. This bill does not share any royalty revenues with coastal States, giving them absolutely no incentive to approve production off their coast.

Under current policy, producing States receive royalties from offshore production. This bill does not provide funding for environmental restoration or a sustainable funding mechanism to develop alternative and renewable energy sources, which would decrease our dependence on foreign oil.

This bill includes an unworkable, renewable energy standard.

In States like mine, Colorado, we are well positioned to utilize renewables. Other States will be unable to meet this unrealistic hurdle, costing consumers untold increases.

Speaker PELOSI, you can fool all of the people some of the time, some of the people all of the time, but you cannot fool all of the people all of the time. This is a travesty.

□ 1045

COMPREHENSIVE ENERGY PLAN

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

Mr. ELLISON. Mr. Speaker, there is a real difference between the Democratic and Republican plans when it comes to energy. The comprehensive Democratic plan is an American-owned, 21st-century energy plan, and the Republican plan is not.

The Democratic plan lowers prices for consumers and protects taxpayers, expands renewable sources of energy, and increases our security by freeing America from the grip of foreign oil. Perhaps this is the problem with the objection to the Democratic plan: it requires Big Oil to pay what it owes taxpayers. It ends subsidies to Big Oil companies. Maybe some people don't like that. And it creates good-paying jobs here in America.

The Republican bill is more of the same old Bush-CHENEY, two oilmen in the White House energy policy written by and for the oil companies. It is time to end that policy.

ENERGY BILL WITH NO ENERGY

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

Mr. TERRY. Mr. Speaker, this is an extremely disappointing day for me, and I assume for America. Today is the day when we finally have an energy bill, except it doesn't have energy in it. And America wants us to work together, the Republicans and Democrats to work together, so that we have a comprehensive American energy plan that makes us independent of foreign oil where we can have price stability.

But unfortunately, as Republicans repeatedly reached out to the Democrat leadership to be involved in this process, we were totally shut out. The only negotiations occurred within the Speaker's office, and no Republican was allowed. We didn't even see the bill until late last night. This is not a true energy bill. If she would have included some of us, we could have made this hoax of a bill a lot better for the American public.

For example, they say that they open up 12 percent of the resources, but then put conditions on it that really can't be met. So even that 12 percent of the coastal waters are not going to be opened up while they pass a permanent moratorium on 88 percent.

This is a hoax, and America needs to see it for what it is.

COMPREHENSIVE AMERICAN ENERGY

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

Mr. CARSON of Indiana. Mr. Speaker, there are real differences when we talk about the Democratic and Republican energy plan. We are talking about expanding renewable sources of energy, and we are talking about creating good-paying jobs here in the great United States of America.

Since January alone, 90,000 Americans lost their jobs; 16,000 of those Americans were from the great Hoosier State of Indiana. The Center for American Progress just released a report saying if we invest $100 billion into a comprehensive plan, we will be able to create 2 million green jobs in 2 years. We have already spent trillions of dollars in Iraq. We can invest $100 billion in a comprehensive plan that can employ Americans. Eighty percent of Hoosiers are without college degrees; 70 percent of Americans are without college degrees. This is an opportunity to help Americans pull themselves out of poverty by investing in the green movement.

ENERGY PROPOSALS

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

Mr. FERGUSON. Mr. Speaker, today we have a stark contrast between the Republican approach to solving the energy crisis in our country and the liberal Democrat and the radical environmentalist approach to solving the energy crisis in our country.

We are going to look at two different pieces of legislation, the American Energy Act written by Republicans and some of our friends on the Democratic side, and the Democrats and radical environmentalist no-energy plan that we will have to vote on today.

Because it might not be easy to see this chart, I am going to go down this chart.

Real offshore exploration for new energy: Republicans say yes; Democrats say no.

Renewable energy without raising your taxes: Republicans say yes, Democrats say no.

Real oil shale exploration to find new energy: Republicans say yes; Democrats say no.

Drilling off the Arctic coastal plain: Republicans say yes; Democrats say no.

Emission-free nuclear energy to help us find new electricity and power: Republicans say yes; Democrats say no.

Clean coal technology: Republicans say yes; Democrats say no.

Increasing our refinery capacity in our country: Republicans say yes; Democrats say no.

The Democratic energy plan is a sham. Vote it down.

DEMOCRATS PROVIDE RELIEF AT THE PUMP

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

Mr. PAYNE. Mr. Speaker, when it comes to gas prices, Republicans don't have a record to be proud of. For 8 years, Washington Republicans have favored profits for Big Oil while America is paying record prices at the pump.

House Democrats know this country needs comprehensive energy legislation to bring down gas prices and invest in the energy sources of the future.

This week we will vote on comprehensive legislation that invests in renewable energy sources and responsibly increases domestic supply by opening portions of the Outer Continental Shelf for drilling.

In New Jersey, we want this energy package which will provide real relief for consumers at the pump, help end our dependence on foreign oil, create millions of new jobs, and help transition America to a cleaner, renewable energy future.

Mr. Speaker, just talking about an all-of-the-above plan won't help consumers who are pumping hundreds of dollars into their gas tanks every day. We need to pass a Democratic all-of-the-above plan that will help us solve our energy problems.

AMERICA HAS TO HAVE OWN RESOURCES

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

Mr. ISSA. Mr. Speaker, the American people know who the Republicans are. We are the party that for decades the Democrats, backed by the radical left, have accused of wanting to do nuclear power. We are the party that for decades the environmental movement has fought because we wanted to drill for oil and natural gas in America.

Mr. Speaker, we are the party that has this energy bill that is not being considered, while your party, headed by NICK RAHALL, GENE GREEN, GEORGE MILLER, and JOHN DINGELL, is claiming to have a bipartisan bill that is yours which does nothing.

Mr. Speaker, there is no Republican in your bipartisan. That is a new definition even for this Democrat Congress.

Mr. Speaker, back in 1998 I called for our California coast to be opened for exploration so we would have a strategic reserve we could tap in time of need. Guess what, BARBARA BOXER and the radical left attacked me. I lost that election. I haven't changed my position since then; I never will. America has to have its own resources. We are the party that you know has wanted to do that, and you are the party that has been blocking it.

RELIEF AT THE PUMP

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

Mr. CLEAVER. Mr. Speaker, it really troubles me that the United States is borrowing money from China to buy oil from Saudi Arabia to put in cars from Japan.

We have been working hard to pass legislation that will bring down prices at the pump and help America end its dependence on foreign oil.

We signed into law the first vehicle fuel efficiency standards in three decades which will save drivers approximately $1,000 a year. We passed an historic commitment to American biofuels which are keeping gas prices 15 percent lower than they would be otherwise. And House Democrats pressured Mr. Bush to stop sending oil to the government reserve, which put more oil on the market to fight rising gas prices.

This Democratic-led Congress has also passed legislation to curb excess speculation to prevent price gouging and to expand tax incentives for renewable energy.

Mr. Speaker, it is time for us to stop being partisan and try to move toward progress.

ENERGY PLAN

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

Mr. JORDAN of Ohio. Mr. Speaker, America is the greatest Nation in history with the greatest economy in history, a $14 trillion annual economy. To remain the number one economy, we need a real energy plan, not a sham. To help families across this country, we need a real energy plan, not a sham.

Here is the Democrat plan: no real offshore drilling; no drilling in ANWR; no nuclear power; no lawsuit abuse reform; no revenue sharing with the States. But you know what is in the plan, tax increases. Think about that. At a time when we want our economy to grow, they are raising taxes. At a time when we need more oil, they are going to tax the very people who produce the oil.

This is a terrible plan. It doesn't help our economy stay number one. It won't help American families, and that is why we should vote ''no'' on the Democrat plan and support the Republican plan that does the right things for our country.

MCCAIN NOT AN EXPERT ON ECONOMY

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, earlier this week it was difficult to tell President Bush and Senator MCCAIN apart. On the day when the stock markets fell 500 points, President Bush described it as nothing more than an ''adjustment,'' while Senator MCCAIN declared the ''fundamentals of our economy are strong.''

Are President Bush and Senator MCCAIN serious, or are they out of touch? What about the millions of Americans who have lost their jobs and are having trouble finding a new one simply because the Bush-McCain economy has shed 600,000 more jobs this year than they have created? What about middle class families who are worse off today than they were 8 years ago? They have seen their real wages fall over 8 years by $300.

Mr. Speaker, when it comes to economic issues, there is no difference between President Bush, Senator MCCAIN, and former President Herbert Hoover.

AMERICA UNDERSTANDS WE ARE NOT DEVELOPING AMERICAN ENERGY

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

Mr. AKIN. America by this time understands that we have not been developing American energy. There are three things required to develop American energy. First, you have to have natural resources. America is blessed with a great supply and diversity of natural resources.

The second thing you have to have to develop American energy is the technology to be able to develop energy in a scientific and an environmentally friendly way. We are very clever with our technology. We have that in America.

And the third thing that you need is political will, the desire to develop American energy; and in that regard this Congress has failed. The Pelosi Congress refuses to put the gears in motion and take action.

Now, I can understand if you like $4 a gallon gasoline, you prefer to see it go to $6, that is a political policy. If that is what the Democrats want to do, if that is what PELOSI wants, fine.

But what we have on the floor today is a sham. It pretends to be an energy bill and pretends to say it is going to drill, and it doesn't. It has nothing in there for clean nuclear and nothing to allow real drilling in Alaska. We have 748 sites to drill, every one blocked by a lawsuit. There is no reform in this bill. This is a sham.

AMERICA DESERVES BETTER

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

Mr. FORBES. Mr. Speaker, every day on the floor and across America today, we are hearing people talk about being bipartisan. They come to the floor when they have drafted a bill improperly or they have ethics charges against them, and they plead with us with tears almost that we need to be bipartisan.

But when it comes to one of the most significant issues facing America today, energy, they don't want to be bipartisan.

Mr. Speaker, it is one thing to cut the microphone and the lights off against Republicans; but what this bill does is cut it off against scientists and engineers and analysts who will never have an opportunity to analyze this bill and tell America what it does because it was filed last night and we will vote on it today.

When they do, this is what they are going to tell Virginians. They are going to tell Virginians that it pulled away the revenues that they could have gotten from oil drilling. They will tell Virginians that it has increased their electricity bills enormously, and it puts $18 billion more taxes across America.

But that is okay because off the camera they are going to put their arm around us and say don't worry about it because this bill will never become law because it is just designed to give us cover in the election.

Mr. Speaker, America deserves better.

DEMOCRATS ARE TIRED OF THINKING

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

Mr. REHBERG. Mr. Speaker, finally a Democrat bill.

Will Rogers once said a conclusion is a place where you finally got tired of thinking. It looks like the Democrat leadership has gotten tired of thinking.

They just got back from a 5-week vacation, while gas prices prevented many of their constituents from taking a vacation. I joined my Republican colleagues here in Washington, D.C. We were here every day of the week during those days with no lights, no cameras, no microphone, and no Democrats.

Last week, the first week we were back, we worked just 3 days, just 3 days, and they did not give us an energy bill.

I come from the energy State of Montana. We have oil, gas, coal, wind, solar, geothermal, biomass, and ethanol. We are part of the solution. But the Democrats are standing in our way.

Allow us an opportunity to drill for oil and dig our coal. It is time we pass a bill. After 5 weeks of vacation, another week of no energy votes, they finally come up with a 290-page energy bill that doesn't create any energy. We can only conclude the Democrats are tired of thinking.

□ 1100

COMPREHENSIVE ALL-OF-THE-ABOVE ENERGY PLAN

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

Mr. KLINE of Minnesota. Mr. Speaker, for 5 weeks, all during the month of August and September, Republicans were on the floor of this House with the microphones off and the cameras off demanding a comprehensive all-of-the-above energy plan. We were demanding that we have open debate and

that we have a vote, the very thing that then-minority leader NANCY PELOSI demanded, saying that the minority party should have the right to present its alternatives, have a debate and have a vote. That's what we've been asking for for weeks and weeks and weeks.

We believe that we need a comprehensive all-of-the-above energy plan. This is not a comprehensive, all-of-the-above energy plan. This is not.

Just for example, in the American Energy Act, the Republican bill, we call for emission-free nuclear power. This is the one place in the world I can think of where the French actually have it right. They get 80 percent of their electrical power from nuclear energy.

We haven't built a new nuclear energy plant in this country in years, and we never will if we adopt this plan. We need a comprehensive all-of-the-above plan.

REPUBLICANS GET IT

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

Mr. BACHUS. Mr. Speaker, the number one cost in manufacturing is energy. The number one cost of job loss in America is the high cost of energy.

Now, the Chinese get that. The Chinese are building 32 nuclear power plants.

The country of India, they get it. Seventeen new nuclear power plants.

Even Abu Dhabi and Dubai, oil rich Arab countries, United Emirates, they sell us their oil and they're building nuclear power plants so they don't have to use their oil, they can sell it to us.

Listen, all these countries get it. The Republican bill gets it. It has nuclear energy. But JOE BIDEN, Senator OBAMA, they don't get it. The Democrats don't get it. There's no nuclear energy in their bill.

We'll continue to lose jobs. We'll continue to have high cost of energy, and most importantly, we will not be able to compete with the world because they are building nuclear power and cheap energy while we're not.

We need to vote for a real bill, not this sham.

GOVERNMENT 101

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

Mr. MICA. Mr. Speaker and my colleagues, now, this is going to be a lesson in Government 101. Now, 2 years ago, and this may surprise a lot of the American people and even some Members that follow politics, but the Democrats seized control of the Congress. They control the House, the Senate.

Now, people across the country woke up this morning and yesterday and saw the financial markets implode across the United States. Now, who's in charge, the Democrats or the Republicans?

Now, for 2 years they promised us change. Look at the financial leadership of the House of Representatives. Look at the leadership of the Ways and Means Committee, right now under siege.

They promised us and the American people that they would have a policy, the Pelosi Energy Policy, some 2 years ago when gas prices were hovering around $2.

They control the process. We don't control the process. Now, they have brought out a sham. They are in control, and we have the highest energy prices in a bill that does nothing to solve the problem.

That's Government 101.

A STORM SWEEPING THIS CHAMBER

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

Ms. GRANGER. Mr. Speaker, a terrible storm has swept over my home State of Texas, brought devastation to neighborhoods and communities; 2,500 search and rescue missions out, 2 million people without energy in their home probably for 3 weeks.

There's another storm that will sweep this Chamber and this Nation over the hoax of this energy, this energy bill that brings no energy to the American people, at a time when we need the shot in the arm for the long term, as well as for today.

This bill that's been brought as if it were a real bill, brought, passed in the dead of night, brought with no debate, no discussion, no input, no process, a process that has stood us well for decades, for centuries, no process, no offshore exploration, no oil shale resources, no refineries, no drilling in ANWR, no nuclear, no coal, no energy, no nothing, and no commitment to the American people who support this and understand what we should be doing, what they deserve, what they respect, what is our job.

What a hoax. What a disappointment.

DEATH PENALTY FOR POWER AND ENERGY

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this bill might be called the death penalty for power and energy. Why do I say that?

If you look at how we utilize lethal injection in this country, the first injection actually sedates the individual. The second injection paralyzes the heart, thus killing the individual. What we have here is the first part of it is sedation. That's the bill today that claims it's for energy.

But the fact of the matter is, with the litigation explosion we have based on the extremists in the environmental movement, the coconspirators with the Democratic Party on this, they've basically paralyzed our efforts to get any energy. Every single lease that's been granted over the last 2 years has been sued against. As a matter of fact, there are two lawsuits now that are already in effect with anything that we will lease in the future. So who's kidding whom?

Let's break this conspiracy that exists between the extremists on the environmental side and the Democratic leadership. Let's give us real power. Let's reject this death penalty for power and energy that they're calling an energy bill. It's a fraud on the American people. We ought to understand that.

We need to do better. The American people need to do better. Let me tell you this: If the Democrats have run out of energy, there's plenty of energy on this side of the aisle to do the right thing.

DRILLING OFF THE ATLANTIC COAST

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

Mrs. DRAKE. Mr. Speaker, Virginia's Second District includes the entire Atlantic coast in Virginia.

Today, I see that the rumors that we've heard all weekend are true. This bill supposedly opens drilling, but really, it doesn't. The first 50 miles are closed. The second 50–100 miles are open at State option, but no royalties to those coastal States.

Virginia gets zero. Look at Alabama, Mississippi, Louisiana, Texas, 37.5 percent. Every other coastal State, zero.

The effect of this legislation will be none of these coastal States will allow for drilling. So industry will now look at 100 miles out or more. Problem with that? Resources within the first 50 miles.

America needs to realize that we are the only Nation that does not take resources from our Outer Continental Shelf. The American families are hurting. American businesses are hurting, and look at the impact on our economy. After all of these months of bills on the floor and discussion on the floor, this is the result of this bill. It's not only a hoax, it is cruel to American families and American businesses.

LITIGATION IS KILLING AMERICAN JOBS

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

Mr. PEARCE. Mr. Speaker, a generation ago, extreme environmentalists began filing lawsuits to stop the production of timber in the United States.

They killed the timber industry throughout this great country. 20,000 jobs were lost in New Mexico alone. Today we have fewer than 100 of those jobs left, and they're in the process of dying probably this year. That whole response to our timber industry was a hoax.

Today we're involved in another hoax, the hoax that is sending $700 billion a year to enemies across the seas; $700 billion a year would be a 6 percent increase in our economy. That means more jobs. And yet instead of solving the problem, we're extending the problem through a hoax.

If we want to stop the outflow of American jobs, we need to stop the lawsuits that are killing every single new lease. They're killing mining, they have already killed the timber industry. The extremists, with litigation, are killing American jobs, and this hoax that is on the floor today called an energy bill is doing nothing about the litigation that is killing American jobs. We must stop it, and we must stop the litigation.

THE AMERICAN PEOPLE DESERVE BETTER

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

Mr. CHABOT. Mr. Speaker, I rise in strong opposition to this sham, no-energy energy bill, and want to express my deep disappointment that once again, this House is missing an important opportunity to lower gas prices, and make our Nation more energy independent.

After reviewing this bill, it's clear that the majority never really intended to open the Outer Continental Shelf to energy exploration. Instead, this bill would permanently keep off-limits 88 percent of our offshore oil and natural gas reserves.

Let me tell you some of the other failings of this bill. It fails to open up more of the energy rich Gulf of Mexico. It fails to make building refineries any easier. It fails to promote nuclear energy. It fails to boost oil shale development, and it fails to open the billions of barrels of oil now off limits in ANWR.

What this bill will do is raise taxes that will surely be passed along to consumers in even higher prices at the pump.

Louisiana Senator Mary Landrieu, a Democrat, recently said it best. This bill is ''dead on arrival in the Senate.''

The bottom line is, this bill is a publicity stunt, and the American people deserve better.

THE DEFINITION OF BIPARTISAN HAS CHANGED

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

Mr. SMITH of Nebraska. Mr. Speaker, we've been hearing a lot about change these days; certain parties claiming more change than others perhaps.

I would suggest that what has changed the most is the definition of the term ''bipartisan.'' To say that this effort is bipartisan is not being honest. To say that the process that we're supposed to engage in 2 years ago of being the most open process in the history of Congress, not so. To criticize the executive branch for energy policies 7 years ago being drafted behind closed doors, and then to participate or not allow participation in this issue, I think, is unconscionable for the American people.

We're talking about way offshore drilling, if at all. We need broad-based energy supply.

If we think that a 9 percent approval rating of Congress is bad, let's pass a bill that won't do anything saying that it will. That is bad policy. If we expect our economy to grow, we need to afford the resources of energy to the growing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to an additional 20 requests for 1-minute speeches on each side.

DEMOCRAT ENERGY BILL

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

Mr. BLUNT. We're here today to talk about a bill that nobody had seen, or at least no Republican had seen as late as 9:45 last night.

No committee has seen the bill. In fact, I asked has this been to the Energy and Commerce Committee? I thought, as a member of that committee I must have missed the hearing. But, no, it hasn't been to the Energy and Commerce Committee.

And so I asked has it been to the Resources Committee because it deals with our natural resources. No, it hasn't been to the Resources Committee.

I asked has it been to the Ways and Means Committee. There's a $1.2 billion project in this bill that the chairman of the Ways and Means Committee has wanted forever to extend subways in New York, so I thought surely it had been to the Ways and Means Committee. But it hadn't been to the Ways and Means Committee. In fact, it's been to no committee anywhere, and it does nothing.

Republicans have worked for years in this House to send good legislation to the Senate, joined by Democrats who agree with us on this issue. We worked all of August to call attention to the fact that we weren't dealing with the number one problem facing the American people, and now we have a bill that we find will not produce any more energy and we know will increase energy prices.

The renewable portfolio standards that raise everybody's electricity bill are unreasonable. But that really doesn't matter because nobody expects this bill to become law. The drilling in the Outer Continental Shelf can't really occur. But maybe that doesn't matter either because this bill's not about something that would become law.

I'm offended, Members of the House are offended, and we should be by this process. And the American people should be offended that we're not doing the job for them that really matters.

□ 1115

DEMOCRAT ENERGY BILL IS RIGGED

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

Mr. BOEHNER. Mr. Speaker, I appreciate the announcement from the Chair that additional Members will be allowed to give 1-minutes. In fact, it was announced earlier that there would be unlimited 1-minutes, then it was announced that we would only have 30 1-minutes on each side. And I appreciate the announcement that we will have at least 20 more because our Members want to speak, and I will tell you why.

When a bill gets filed at 9:45 the night before and then it's announced it's going to come to the floor the next morning as the first bill up, a bill that no one has read, written in the dark of night, that won't do a damn thing about American energy. Enough is enough.

The Speaker of the House said this will be the most open and ethical Congress in history, that we would consider things in a fair and open way. And this is not going to be considered in a fair and open way. It shows up in the middle of the night, nobody's read the bill, and guess what? The Republican Members, who represent about 48 percent of the American people, we're not allowed to offer a substitute. We have no opportunity to offer our American Energy Plan that we've been on this floor talking about for 3 months nonstop. We don't even get a chance to offer the bill.

It's rigged, and the bill that's coming to the floor is nothing more than a hoax on the American people, and they will not buy it.

ENERGY BILL NOTHING BUT POLITICAL COVER

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

Mr. BONNER. Mr. Speaker, in words that the American people can understand, you can put lipstick on a bad bill but it is still a bad bill. And sadly, that is what your leadership's so-called energy bill is. It has been called a sham, which it is; it's been called a hoax, which it is. But the truth is, it is nothing but political cover to allow

Members on your side of the aisle an opportunity to say they are for something which we all know the majority of your Members are adamantly opposed to.

Why does Congress have the lowest approval rating in the history of the Republic? Because instead of having a real debate on a real energy producing bill, one that will give incentives to the States to actually join in the production of new American energy, this Democratic majority is instead offering up a bill that will not produce a single drop of new oil or a single ounce of new gas.

With so much uncertainty in the hearts of the American people today, today's vote is a kick in the teeth to every hardworking American who's tired of paying more for oil and gas.

Shame on us. Shame on you.

A BIPARTISAN BILL IS NEEDED

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise with disappointment today. People in my district and the working people of this country are begging us to resolve this energy issue. They're struggling to drive their cars, and they don't have any idea how they're going to heat their homes and run their businesses with today's energy prices. They expect us to do something.

Speaker PELOSI's been telling the country that drilling's not the answer; it would take 10 years. Well, the Pelosi team drafted a bill. It will take 10 years, maybe 15, maybe 20, folks. This bill will not produce energy. It locks up 97 percent of the west coast forever. It locks up the most productive part of the gulf that we can produce quickly forever.

Folks, we need a bipartisan bill. Twenty-three Republicans and Democrats sat down and drafted a bill, 11 Democrats and 12 Republicans. We drafted the Peterson-Abercrombie bill that opens up all kinds of energy for America, funds all the renewables, and gives hope to the American people.

That's the kind of bill they don't want. They don't want a Republican bill. They don't want a Democrat bill. They want a bill that Members of this Congress sat down with no oil companies, no lobbyists. We sat down and drafted a simple bill—not 290 pages—one we could understand. We need to vote on a bipartisan energy bill that will give hope to the Americans that there is an economic future.

ENERGY POLICY

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

Mr. BROWN of South Carolina. Mr. Speaker, the energy crisis that we are facing in America today is affecting every segment of our society, and my constituents in coastal South Carolina are getting more concerned every day that with what goes on that we do not have a solution to bring a more domestic supply of energy on line.

My constituency sees Russia holding Europe as an ''energy hostage,'' and they do not want to allow foreign and sometimes unfriendly nations to have the ability to hold the United States as an energy hostage in the future.

Right now, Russia supplies 50 percent of Europe's natural gas, and by the year 2020, Russia will supply 75 percent of Europe's natural gas. Right now America is 70 percent dependent on foreign energy. So much of American energy is being produced in prime hurricane zones that are susceptible to natural disasters every year.

Mr. Speaker, we should view our energy resources as a natural asset, not as an environmental liability. The energy crisis that we are currently in cannot be solved by having us being dependent on foreign and sometimes unfriendly nations.

We all must learn a valuable lesson from what's currently going on between Russia and Europe and seize this opportunity to vote on all-of-the-above.

STOP PLAYING GAMES WITH AMERICAN ENERGY PRODUCTION

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

Ms. FALLIN. Mr. Speaker, my, my, my, what a difference one night can make. Last night we were in session until about 7:15. There was no energy bill. All of a sudden, we wake up this morning and we have an energy bill, but it's an energy bill that even the majority of, well, I would say even the conservative Blue Dog Democrats have not seen, much less even the Republicans in the House. And so why do we have this today happening?

It's because there are people in this body who do not want to produce energy for America. We're playing games with American energy production. We're hurting the American economy. We're hurting the pocketbooks of our American businesses. We're increasing our dependence on the foreign oil.

All of the Americans right now are very concerned about our economy, they're concerned about our unstable financial institutions, they're concerned about home foreclosures, they're concerned about trade deficits, they're concerned about foreign countries who are coming in and buying American assets. They're concerned about the cost of gasoline, the cost of food, the cost of consumer goods.

You know, families are struggling, businesses are struggling. But yet in this body, we have an energy bill that has been brought forth today that we have not seen, that we have not had time to debate, to look at. It's one of the most important issues facing our Nation.

Producing an American energy bill that produces American energy is the course for the future of this Nation. It's a threat to America's national security, our economic security not to pass the energy bill.

OPEC WOULD SUPPORT DEMOCRATS' ENERGY BILL

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

Mr. SCALISE. Mr. Speaker, for months we've been talking about the need to address this national energy crisis that's facing our country that's hurting our economy. We've been talking about getting a bill on the floor like the American Energy Act that approaches this in a comprehensive way and addresses all of the issues.

But yet I rise today in strong opposition to this bill that the Democratic leadership filed in the dark of night with no discussion that they're going to bring up today and allow no amendments on. And let's look at why that bill is so bad.

First of all, it puts a permanent ban on 88 percent of the known Outer Continental Shelf reserves. That's billions of barrels of oil that we know right where they are, and yet there's a permanent ban on these reserves placed in this bill. That's something that OPEC would want because OPEC now would have even more leverage on us because they know that we would be taking off-limits 88 percent of our known reserves offshore.

If you look at the new taxes and the billions of dollars in new spending that they have that has nothing to do with energy, and yet Speaker PELOSI says we don't have money to give States their own fair share of royalty sharing because she knows that's a deal breaker that will lead to absolutely no drilling.

Mr. Speaker, I would attest to you that OPEC could not have drafted a better bill than what the Democrats filed in the dark of night.

We need to vote this down. The American people see through it. Bring up the American Energy bill. We have no time to waste.

WE NEED TO COME TOGETHER ON AN ENERGY BILL

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

Mr. MCCARTHY of California. Mr. Speaker, like most every Member inside this House, the first day that you are sworn in is a highlight, one of the highlights in your life. As I look across this floor, I see Members from both sides of the aisle that experienced that for the very first time with me this January.

I sat on the floor, and I brought my young son and daughter with me. I listened intently as Madam Speaker held

the gavel to the words that she said that we're going to define this Congress, define this Nation. And the words that she spoke that rang to me that I applauded, I stood up and said ''yes,'' was this was going to be a Congress of partnership, not partisanship.

It's sad to say that today this is not a Congress of partnership. We may be from different sides of the aisle, we may be Republican, we may be Democrat; but first and foremost, we are American. We are Americans with a desire to have an American energy independent policy, and it's sad to say that this bill does not. This bill, created in the middle of the night.

And when you think about where you sit and what part you're a part of, that the Chamber, that this dome that we're under today was built during the Civil War confronting the challenges that face America. We can meet that challenge, but we can only meet it with partnership, and we need to come together and vote against this bill today.

THE AMERICAN PEOPLE EXPECT BIPARTISANSHIP

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

Mr. DENT. Mr. Speaker, the American people believe that Washington, DC, is broken. And this process and this legislation that we are considering today is proof positive of why Washington and this Congress is broken.

The American people expect some bipartisanship on this energy issue. My colleague, JOHN PETERSON of Pennsylvania, just discussed a bipartisan proposal. NEIL ABERCROMBIE of Hawaii, a Democrat, and JOHN PETERSON of Pennsylvania have put together a good bipartisan compromise that we should be considering as part of this discussion today. It will advance American energy and American energy jobs.

The bill we're dealing with today says no nuclear, no clean coal—and I'm from Pennsylvania; we care about that. And there's really no oil and gas. That really limits our options as a nation. We want to create American energy jobs, and we want to use the revenues to transition to alternative and renewable energy as well as conserve and realize efficiencies.

The American people expect better. They expect bipartisanship. And what we are considering here today, unfortunately, does not meet that test.

THIS BILL WILL NOT SOLVE THE ENERGY PROBLEM

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

Mr. WITTMAN of Virginia. Mr. Speaker, today we have before us an energy bill, an energy bill that was presented to us at 9:45 last night, 260 pages long, and very little time to digest what is probably one of the more important pieces of legislation that we will address in this century. I will tell you this is extraordinarily important.

People in my district ask me all the time, ''Rob, we see this issue, it's an important issue for our Nation, why can't we come together and use some commonsense to solve it? Why can't Congress work together?''

Well, folks, this is not the way to work together. This is not an inclusive process. When we are given the opportunity to make sure that the best and brightest ideas come forward for a policy that's so important to the future of this country, we need to make sure the opportunity is there to bring forth the best solutions to this.

We will not solve this energy problem with this bill. This will not happen. It doesn't provide for nuclear energy, it doesn't unlock the resources that we have here. We're the only nation in the world that refuses to use its own resources to solve its own problems.

Folks, we have got to make sure that everybody's ideas make it into this bill. This bill does not provide for that. It's not acceptable to the American people. We should not have this going forward.

NO-ENERGY SOLUTION

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

Mr. HERGER. Mr. Speaker, Democrats are wasting more time on a no-energy solution for our energy crisis. This bill says ''no'' to actually increasing American-made energy and relieving energy costs for the American people. No new refineries, no provisions to cut redtape and increase American refining capacity of American-made energy. No lawsuit reform to prevent frivolous lawsuits from radical environmental groups intent on playing political games.

The only thing they're saying ''yes'' to is an $85 billion tax increase. It would include unfair penalties for States that simply can't adjust to federally mandated one-size-fits-all renewable electricity standards.

America deserves an all-of-the-above energy solution. I strongly urge my colleagues to vote down this bill.

REPUBLICANS GOT AMERICA INTO THIS MESS

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

Mr. WEINER. Mr. Speaker, my colleagues on the other side have finally found the forum perfectly equipped for their ideas: one 60-second burst at a time filled with rhetoric and no new ideas. This is the perfect forum for the Republicans in Congress now.

We know that because when they controlled Congress, they passed their own energy bill, signed into law by the President, we got into this mess. This is the President whose idea of an energy policy is holding hands with the Crown Prince of Saudi Arabia, embracing him with a big smooch.

If my colleagues want to do something interesting, go to opensecrets.org. Look at the donations of ExxonMobil, look at Texaco, look at all of those, and look at the ''Rs'' next to all of the people who got it.

I gotta tell you something. The status quo is perfect. We govern over here, and on that side, 60 seconds of bluster at a time, 60 seconds of rhetoric at a time, 60 seconds of ''drill, baby, drill'' at a time.

If you want to govern the country, you had your chance and you blew it. Look at the energy bill you passed.

□ 1130

WE DON'T NEED A SHAM POLITICAL BILL

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

Mr. HENSARLING. Mr. Speaker, since the Democrats took control of the House, prices at the pump have increased 75 percent, I would say to my friend from New York. Their response, take a 6-week vacation while the American people suffer.

Then they come back and, in the dead of night, present us with a 240-page nonenergy bill, no amendments, no substitutes, no committee hearings. Is this democracy? No. Is there any difference in NANCY PELOSI's America and Hugo Chavez's Venezuela? I think not.

This is a sham. This is a fraud. This is a bill designed to ensure Democrats' reelection, not designed to ensure affordable energy in America.

No new refineries in their bill, no clean coal, no ANWR, no nuclear and, if you read it, no Outer Continental Shelf; 85 percent still off limits.

Democrats look at our oil and gas reserves and say these are toxic waste reserves. Republicans look at our oil and gas reserves and say valuable natural resources to ease the pain at the pump.

Mr. Speaker, we need American energy made in America for Americans. We don't need a sham political bill.

WE NEED ENERGY INDEPENDENCE

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, America is threatened by four securities: Family security which finds itself hurting to pay for gasoline, food and heating costs; job security which sees our jobs going overseas, not only for manufacturing, but where other countries are drilling for oil, we can only sit back and watch; economic security, when we see our trade deficit improving in every area except for energy, when we see OPEC spending so

much money to buy our national debt and $700 billion of our money goes overseas every year; and our national security, when we see what other countries do with oil dollars, Iran buying missiles, building nuclear weapons, Venezuela sending terrorists to attack Colombia, the Saudis paying off al Qaeda, and Russians attacking Georgia, threatening Ukraine and Poland.

We have to have energy independence, and the means to energy independence is to drill for our oil and use that money to fund vast conservation efforts and innovative fuels so we can get off of oil. We have got oil to do that, and the oil is off of our Outer Continental Shelf and out in Colorado in the shale oil and out in the Arctic shores, and we can't get to it if we put a lock on it and turn the key and throw away the key.

We need energy independence, and this is a means towards the end.

THE SOLUTIONS TO ENERGY INDEPENDENCE ARE THERE AND AVAILABLE TODAY

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

Mr. HALL of New York. Mr. Speaker, I agree that we need energy independence. All Americans agree that we need energy independence. There used to be bipartisanship on this issue. In fact, it was the first President Bush who proposed an executive order banning drilling on the Outer Continental Shelf.

We've had eight budgets sent here by President George W. Bush, who's his son. Every one of them, including this February when we got the budget for fiscal 2009, included language banning drilling on the Outer Continental Shelf.

Somebody got a poll this last spring, and the prices went up because they're being manipulated by oil companies and OPEC, and we wind up with a situation where it becomes a campaign issue that was made into a partisan issue by, I believe, the party that had originally supported these things, whose President sent us eight budgets with banning the Outer Continental Shelf language.

So I would just say calm down. We are working on a genuine, all-of-the-above, bipartisan—we hope it will be a bipartisan bill. It's up to my colleagues and my friends on the other side of the aisle, but the solutions are there. They're available today. The renewables are in front of us, and they hire more people than fossil fuels.

ALLOW A VOTE ON THE AMERICAN ENERGY BILL

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

Mr. PRICE of Georgia. Mr. Speaker, the most pressing, the most urgent issue facing the American people today is energy policy, gas prices. Yet the strongest Nation, the greatest Nation in the world is 70 percent reliant on foreign oil.

Now, the good news is that there are wonderful and incredible alternatives and opportunities to create American energy for Americans. The problem is that this Democrat bill today will not, will not allow any new supply.

The reason the American people are so disgusted with Congress is because of this style of leadership: closed, unfair, un-American. This is most frustrating and concerning to the American people because they know that there are positive alternatives.

Madam Speaker, fulfill your duty. Allow a vote on the American energy bill. Honor your oath.

COMPREHENSIVE ENERGY ACT

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

Mr. PERLMUTTER. Mr. Speaker, it's great to be here this morning to talk in favor of a Comprehensive Energy Act that we're going to bring up on the floor today.

My friends on the other side have been complaining for weeks that we don't have a comprehensive energy bill. We've passed bill after bill really designed to focus on new ways to power America. We can't be hooked on just one commodity anymore. We're hooked on oil. We are beholden to eight countries, most of which don't like us, and five oil companies. So we're always sort of at risk, and we've seen that this year with the price going straight up.

So we've got a bill that talks about energy efficiency, renewable energy, and incorporates domestic drilling all over the place, quite frankly, coal, a whole variety of things.

It's going to take our coming across the board with new policies with respect to energy to break our dependence on foreign oil. That's what this bill does.

And I always say, is it any wonder with two oilmen in the White House that the price of oil went straight through the roof?

PEOPLE NEED HELP IN AMERICA

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

Mr. GOHMERT. Mr. Speaker, I just came back from a weekend of being with my constituents that were hit by a hurricane. They don't care about Republican or Democrat, and they cannot find a generator that's a hybrid generator. They need help.

And when I went and was dealing with sheriffs that were trying to get help for their people in the middle of the night, one of them said, You know I'm a Democrat. I said, You know I don't care.

People need help in America, and this bill that's been put on the floor will provide none of the above. The litigation has stopped 68 million acres from being drilled, and now once we find that out, we find out that's their ace in the hole to keep this bill from producing anything.

People want hope. People need gasoline. They need diesel. They don't need a joke that is turned into a mean, mean, hurtful bill.

THE REPUBLICANS DON'T WANT TO FIX THE ENERGY PROBLEM

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

Mr. OLVER. Mr. Speaker, our Republican colleagues are saying that H.R. 6899, the Comprehensive Energy Policy Act that this House will debate and pass later today, is a sham.

Let me remind them, H.R. 6899 contains essentially the same drilling language they demanded a vote on in June and July. Yet, they will vote against it today just as they did in June and July when they voted against requiring drilling in the already leased National Petroleum Reserve in Alaska, against cracking down on speculation, and against releasing a small portion of the Strategic Petroleum Reserve.

The truth is, they don't want to even begin to fix the problem. They only want to distract public attention from eight disastrous years of the Bush administration.

A failing economy, a failing foreign policy, a clearly failed energy policy, and no new ideas.

THE WORKING CLASS ARE GETTING STIFFED BY THE DEMOCRAT ENERGY BILL

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, back in the Fifth Congressional District in Florida, I tell people I came from a dysfunctional family. My father was a Democrat. My mother was a Republican. But let me tell you, my father was a Democrat because he thought that the Democrat Party was for the working class.

Ladies and gentlemen in this Chamber, the working class are getting stiffed by this bill. It's interesting because since the Democrats took control of both the Houses, gasoline has gone up over $1 a gallon. Now you know what that means? That means that the working class and the middle class are really getting hurt.

The bill that we have before us today is not one that's going to produce any kind of energy. Let me tell you why. First of all, lawsuits will stop any drilling. There's no consolidation or method to consolidate any lawsuits that may be brought by numerous environmental groups. Certainly, we want to protect the environment, but you know what, this bill does not produce one ounce of any kind of petroleum product.

Also, I come from a State that could be producing, but there's no revenue-sharing. So no legislature or no Governor will ever vote to allow any kind of drilling off their shore.

THE REPUBLICANS ARE POLITICIZING THE HEARTBREAK OF AMERICA

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

Mr. SALAZAR. Mr. Speaker, frankly, today I'm totally surprised that the other side is politicizing the heartbreak of America. The other side has actually raised fuel prices. We have an oilman in the White House. What we need now is common energy policy, expanding our renewable energy policy, and making sure that we address clean coal burning technology.

Who was it that withdrew the FutureGen project off the table? It was President Bush that did this.

Ladies and gentlemen, let's make sure that America listens to what Americans are talking about: high energy prices; they're losing their jobs.

Today, this bill expands domestic drilling opportunities, not only offshore but also on the land.

THE SPEAKER HOLDS THE KEY IN HER HAND TO UNLOCK THE POTENTIAL OF AMERICA

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

Mr. SULLIVAN. Mr. Speaker, when I was coming to the House after the August vacation, where we did nothing on energy policy, I was walking through the airport, and many people were patting me on the back, said get down there, get that energy bill done, it's hurting us, we need something done.

And they said they couldn't believe that the Speaker, NANCY PELOSI from San Francisco, would not allow us a vote on this. One guy said, I can't believe she's that powerful that she is single-handedly holding this up when the majority of the American people want to see this done and done now and get a comprehensive, all-of-the-above strategy.

She does have that power, and she's exercising her power. She has the key. She holds the key in her hand to unlock the potential of America, to unlock oil and gas reserves in this country that would last for 160 years that we can get right here in our own backyard. And while we're doing that, we can develop technologies like wind, solar, nuclear, hydro, biomass, all other technologies in an environmentally sound way, and we need to do it now.

Instead, we're getting a bill that's full of tax increases and drilling less in America, and this is the biggest hoax perpetrated on the American people that I've seen since I've been in Congress.

And on her Web site, she says a bill should generally come to the floor under procedures that allow full and open debate. Members should have 24 hours to examine bills and conference reports before they come to the floor. But she's not doing it.

□ 1145

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to observe proper decorum and please heed the gavel.

GRAND OLD OIL PARTY HAS A CASE OF AMNESIA

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

Mr. DEFAZIO. Well, the Grand Old Oil Party has a case of collective amnesia. They would hope that the American people will share in their amnesia. The American people should forget that for 6 years they controlled everything, the House, the White House and the Congress. And for 6 years they labored and they brought forth the Bush-Cheney energy policy. I voted against it, as did most Democrats. We said it would make us even more dependent upon Saudi Arabia—one of the President's best friends here, the King of Saudi Arabia—and it has. It has worked exactly as they designed.

Now they're born again into caring about other forms of energy and energy independence and American consumers. It's just a smoke screen to cover for their continued addiction to the contributions of the oil industry and to fighting for the oil industry to continue that addiction.

We're bringing forward a bill to break that dependence, to break the enslavement to OPEC, and to move this country toward true energy independence on domestic resources and new technologies and jobs. I don't think anybody believes that they really care about the American consumers.

DEMOCRAT ENERGY BILL WILL BE RECEIVED WITH A THUD ON WORLD MARKETS

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

Mr. RADANOVICH. When President Bush lifted the Presidential moratorium on offshore oil drilling, the price of oil dropped $12 a barrel immediately and has been falling ever since.

I have said many times over the summer that if Congress passes an energy bill that increases production of domestic energy, the markets will react immediately with lower prices. This is the litmus test that Congress will be delivering what the American people want.

The Democrat energy bill will be received with a resounding thud on the world markets. It won't move the price of gas one cent because it provides no incentives for States who increase production offshore.

Unlike the Comprehensive American Energy Act, the bill we are voting on today does not address oil shale production, lawsuit reform, streamlining the nuclear energy process, coal-to-liquid technology, increase refinery capacity, and opening ANWR. However, the bill does include a drawdown over Strategic Petroleum Reserves, a fraudulent use-it-or-lose-it legislation, and an extremely costly renewable energy mandate. Maybe this majority ought to go back to suing OPEC to produce more oil because under this bill, that reliance is still there.

ENERGY BILL IS A COMPROMISE

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

Mr. RAHALL. Mr. Speaker, Members of the House, the American people want us to solve the energy problems facing our country in a bipartisan way. They're looking to the Congress for answers, but they realize that the Congress cannot provide the only answers.

No less than T. Boone Pickens has said that we cannot drill our way out of this mess. The plan that we bring to the floor today is a comprehensive energy plan that does do all of the above. It's a compromise between the drill nowhere crowd and the drill everywhere crowd. And let's face it, there are some on the minority side in this body that would drill everywhere and they're not going to settle for anything less, including under the National Mall if they could. They would want to drill every inch of this land, and that is not a responsible way.

Our plan provides for reliance upon domestically produced energy sources, all of the above. It requires oil companies to be responsible and transparent in the collection of royalties. It provides for a new ethics code for the people at the Minerals Management Service to operate under so that the American taxpayer can receive a fair return for the disposition of their resources. These are public resources deserving public accountability.

NO COAL IN DEMOCRAT ENERGY BILL

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

Mr. SHIMKUS. Mr. Speaker, my coal Democrats, who have promised me that they would take one vote in this Congress to advance coal, and we have not seen it. And my colleagues will want to attack the oil, but the best way to get off of imported crude oil is to use coal.

There is nothing in the Democrat bill that advances coal use; nothing, zero—no oil shale, no coal, no oil sands, nothing. It's not a comprehensive plan.

We can turn coal into liquid fuel. That's what our Department of Defense wants. We can turn coal into clean burning electricity. That's what the environmentalists want. But is there anything for coal in this bill? No.

If you vote for this Democrat bill, you are voting against coal. It's our largest resource that we have in this country. We are the Saudi Arabia of coal. We do not use it fully, you all know it. Speaker PELOSI hates coal, hates it, and that's why it's not in this bill.

COAL IS PART OF THE ENERGY SOLUTION

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

Mrs. CAPITO. Mr. Speaker, I represent an energy State, West Virginia. We give every day. We have abundant resources of coal and natural gas. We understand energy.

Coal is one of our Nation's most abundant resources, and any truly comprehensive energy policy must include coal. This bill does not. It is not all-of-the-above.

We have more coal under our feet than the Middle East has oil. I've sponsored legislation, coal-to-liquid. It holds great promise for helping us towards our energy independence, but such investment received lip service from the leadership of this Congress. In fact, the disdain for coal among congressional leadership is well known across this Nation.

It's time we stood up and had a vote on a real bipartisan energy bill that includes coal as part of the solution.

You know what? The American public is frustrated. They're tired of this bickering. They want us to work as Republicans and Democrats in a bipartisan way to solve this issue. We need an energy plan that works for the American people. We also need an energy plan that's actually going to get signed into law. This one doesn't have a bit of hope.

WE MUST SOLVE THIS ENERGY CRISIS

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

Mr. MANZULLO. Mr. Speaker, America faces an energy crisis that threatens the livelihood of the people we represent. Every day they get up to go to work, many people wonder whether or not they can afford the gas for their tanks. And to compound it, the high cost of energy is destroying manufacturing jobs in our country. My largest city is at 11 percent unemployment. Many manufacturing facilities have been hit because of the high cost of energy; they simply cannot compete.

Today, we debate an energy bill that further compounds the problem. Last night, the Democrats filed a bill that gives the illusion of opening up our coast to drilling, but really continues to keep those areas closed, with no opportunity to debate it.

Last May, I authored a 12-point gas relief plan that incorporates more domestic production of oil, conservation, and new fuel and vehicle technologies. Until these technologies come online, we have to increase our supply of oil to give us the relief that we need, to give us the time that we need.

We have enough oil now in order to fuel 60 million cars for 60 years. Does that mean that we use it all up? Of course we don't. We simply need this as an opportunity for breathing time until we can develop these new technologies.

The time had come to put partisanship aside and solve this issue on behalf of the American people.

PERMISSION FOR MEMBERS TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. PENCE. Mr. Speaker, I ask unanimous consent that every Member who has not spoken be allowed to address the House for 1 minute.

The SPEAKER pro tempore. Recognition for requests to address the House for 1 minute rests in the discretion of the Chair. The gentleman's request on behalf of others will not be entertained.

MOTION TO ADJOURN

Mr. PENCE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 11, nays 393, not voting 29, as follows:

[Roll No. 592]

YEAS—11

Bartlett (MD)
Cannon
Carter
Doolittle
English (PA)
Gingrey
Johnson, Sam
Linder
Petri
Sessions
Shimkus

NAYS—393

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry

Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Aderholt
Barrett (SC)
Boucher
Brady (TX)
Cubin
Culberson
Delahunt
Dingell
Dreier
Ehlers
Jackson-Lee (TX)
Johnson (IL)
Lampson
Mahoney (FL)
McCaul (TX)
Neugebauer
Paul
Peterson (PA)
Pitts
Poe
Pryce (OH)
Renzi
Smith (TX)
Sutton
Udall (CO)
Velázquez
Walberg
Waxman
Welch (VT)

□ 1222

Messrs. DONNELLY, TIERNEY, BISHOP of New York, CLEAVER, SHADEGG, CLYBURN, CARSON of Indiana, PAYNE and DAVIS of Illinois and Mrs. MUSGRAVE, Mrs. MCMORRIS RODGERS and Ms. SCHAKOWSKY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1433

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6899 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

POINT OF ORDER

Mr. CANTOR. Mr. Speaker, I make a point of order against consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act. The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act, which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Virginia makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order is disposed of by the question of consideration.

The gentleman from Virginia (Mr. CANTOR) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, last night, the Committee on Ways and Means certified that the underlying legislation contained no earmarks, and under the rules there is no other way to challenge that certification, which is one of the reasons why I stand before you today.

Provisions in H.R. 6899 calling for the restructuring of the New York Liberty Bonds is clearly an earmark. This earmark is worth $1.2 billion and stands to benefit one entity, which is New York City.

I have a letter, Mr. Speaker, dated October 30, 2007, from the chief of staff of the Joint Committee on Taxation in which he determines that the New York Liberty Zone tax incentives is a limited tax benefit and therefore an earmark. Furthermore, Mr. Speaker, according to House rule XXI, clause 9, and the Honest Leadership and Open Government Act of 2007, this earmark should have been disclosed along with the Member that requested the same.

From all reports, Mr. Speaker, instead of going through the proper procedure, disclosing that this was going to be included in the bill, this provision was air-dropped into the bill over the weekend at the last minute without any ability for any of the Members to know that this was in the bill.

Reports say that it is the chairman of the Ways and Means Committee, Representative RANGEL, that has requested this earmark. Yet how are we to know whether Chairman RANGEL is the sponsor of this earmark, since there has been no transparency and no notification as required under the rule?

Furthermore, Mr. Speaker, this earmark produces no energy for American families, and the way that the majority plans to pay for this earmark is by raising taxes on job creation as well as energy production.

Mr. Speaker, we are going to hear a lot today during the debate about revenue sharing and the fact that many coastal States, including my State of Virginia, will not be able to share in any of the revenues resulting from energy exploration off our coast. In light of this, in light of the fact that there is no incentive whatsoever to produce energy in this bill, in light of that, when we see that the majority is channeling $1.2 billion to New York City for an earmark for a project that only benefits that locality, I think that we understand now what the intent of the majority is in bringing the bill to the floor in this form.

There is zero relationship between increasing American energy production and this earmark, Mr. Speaker, which again underlies my objection and is one of the reasons why I raise this point of order.

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

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

Mr. Speaker, the point of order is about whether to consider the rule and ultimately the Comprehensive American Energy Security and Consumer Protection Act. In fact, I would say this is simply an effort to kill the bill.

In the midst of the energy crisis, the bill takes important steps towards increasing domestic energy production, encouraging the development of alternative fuels and cutting down on the corruption between the Bush administration regulators and the oil industry.

By expanding access to offshore oil reserves, the bill encourages oil exploration and could lead to increased domestic energy production.

By releasing oil from the Strategic Petroleum Reserve, the bill will lead quickly to reducing prices at the pump.

In light of an Inspector General report showing that Minerals Management Service employees were accepting gifts from the oil companies they regulate, engaging in unethical sexual and drug conduct, this bill would subject the MMS employees to higher ethical standards and make it a Federal offense for oil companies to provide gifts for MMS employees.

□ 1230

By promoting energy efficiency and conservation in buildings, through updated building codes and incentives for energy-efficient construction, this bill will lead to reduced energy use and lower utility bills. At the same time, by providing more funding for home heating assistance, we ensure that seniors and other vulnerable populations will not have to choose between food and heating oil.

By providing incentives and support for development and deployment of domestic alternative energy technologies, the bill will promote energy security for the United States. Under this bill, power companies would be required to generate 15 percent of their electricity from renewable sources by 2020, reducing air pollution from power plants and helping to address the threat of climate change.

As Americans use more public transportation in the face of high gas prices, this bill will help transit agencies deal with added costs and increased ridership by providing $1.7 billion in grants. At a time of record-breaking oil company profits, the bill will require the oil companies to pay their fair share by repealing tax subsidies that they certainly don't need, and by closing a royalty loophole in lease agreements from 1998 and 1999.

In short, the bill is a much-needed compromise approach to a widespread crisis facing our country. This is simply a case today whether we support, with our votes, the oil companies or the consumers and the citizens of the United States.

I urge my colleagues to vote ''yes'' to consider the rule and reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I would say in all respect to my colleague from New York, I still don't understand how the insertion of this earmark, this insertion of $1.2 billion, has anything whatsoever to do with this bill, has anything whatsoever to do with increasing American energy production, which is the purpose of this bill, which is the majority's stated purpose, that we want to increase American energy production.

But, instead, what the gentlelady talks about, again, is not at all responsive to what it was that I was raising. We don't have to have a vote on this issue if the gentlelady would accept unanimous consent to remove the earmark from the bill to go forward.

Again, why are we having this earmark, this $1.2 billion earmark? This is exactly what the American public is so upset with Congress about, the fact that we have a bill that is designed to increase American energy production to help us try and wean off of the incredible reliance that we have on foreign oil. Why? The public has to be asking why in the world would we be inserting $1.2 billion in directed funds to one locality. Why in the world would we be doing that?

It does not make any sense. The fact that the Ways and Means Committee has certified that this is not an earmark, to me, flies in the face of the open and honest way that the majority has said they would run this House.

Again, I have a letter from the chief of staff from the Committee on Joint Tax which says that the New York City Liberty Bonds and the provisions calling for their restructuring is an earmark. Again, I say to the majority, if we are going to be straightforward in our desire to solve the problem of American energy production, this earmark has no place in the bill.

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

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentlewoman has 7 minutes.

Ms. SLAUGHTER. Mr. Speaker, I would like to yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentlelady from New York for yielding me this time.

Mr. Speaker, I have often wondered what the capacity for remembering my colleagues on the other side of the aisle have. Apparently, it extends no further than 7 years and 5 days. Seven years and 5 days ago, my city, the City of New York, was attacked on 9/11. Have you forgotten that?

For the purposes of your point of order in opposition to this bill coming to the floor, it's the lack of someone taking responsibility for the $1.2 billion that you call an earmark. It's Crowley, C-r-o-w-l-e-y. It's the U.S. Congress that did this 7 years ago, after our country was attacked on 9/11, 7 years and 5 days ago.

I, 5 days ago, stood out on the steps of the Capitol and sang ''God Bless America'' with both my colleagues from the Republican side of the aisle and this side of the aisle. What we are doing today is simply fulfilling a promise, a promise.

This is not an earmark. This is already law. We are adapting it, we are changing it so New York can use the money. But I need to remind my colleagues on this side of the aisle, there is still a 16½ or 17-acre hole in lower Manhattan. We need to do all we can to help rebuild that, rebuild the economy of New York.

I daresay my colleagues from New York on the other side of the aisle, they are opposed to this point of order. They will oppose your position on this point of order, because they know this is not an earmark.

They know this is going to help rebuild New York. It's a promise that was made by the administration. The President does not call it an earmark. It is in the President's budget.

I would also object to what my friend, the colleague from Virginia, said about the chief of staff on the Joint Tax Committee. Ed Kleinbard, on May 15 of this year, stated that on the issue of limited tax benefits, the answer is that this is a matter wholly within the prerogative of the chairman. He alone decides this issue.

Mr. RANGEL does not call it an earmark; I don't call it an earmark. I daresay, many of your colleagues on your side of the aisle do not call it an earmark. This is not an earmark. This is to help New York City rebuild after 9/11.

With all that's going on, as we read in the papers today about the markets, New York City is under tremendous duress. Don't add to that. Don't add to that today by bringing up this type of tactic to limit the ability of New York City to rebuild itself.

Mr. CANTOR. Mr. Speaker, I would like to insert the letter I quoted from in the RECORD.

MEMORANDUM

To: Bill Dauster, Deputy Chief of Staff, Senate Finance Committee.
From: Ed Kleinbard.
Date: October 30, 2007.
Subject: Application Senate Rule XLIV (relating to limited tax benefits) to sec. 301 of the American Infrastructure Investment Improvement Act of 2007 (as passed by the Senate Finance Committee on September 21, 2007).

Request

You have requested that the staff of the Joint Committee on Taxation analyze the application of Senate Rule XLIV's limited tax benefit provision to section 301 of the American Infrastructure Investment and Improvement Act of 2007 (''Section 301''), as passed by the Senate Finance Committee (relating to the restructuring of New York Liberty Zone tax incentives). I offer this analysis at your request to assist Chairman Baucus in making his determination of this issue, as contemplated by Rule XLIV.

Senate Rule XLIV

Section 521 of the Honest Leadership and Open Government Act of 2007 (the ''HLOGA'') provides for ''earmark'' reform. Specifically, HLOGA adds a new Rule XLIV to the Standing Rules of the Senate. Under this rule, ''it shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction, or majority leader or his or her designee certifies: (1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the name of each senator who submitted the request to the committee; and (2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote''. Failure to satisfy this requirement makes a bill or joint resolution subject to a point of order until these requirements are satisfied under the rule.

For purposes of the rule, the following definitions apply.

A congressionally directed spending item ''means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

A limited tax benefit ''means any revenue provision that (A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.''

A limited tariff benefit ''means a provision modifying the Harmonized Tariff Schedule of

the United States in a manner that benefits 10 or fewer entities.''

Senate Floor Statement

A colloquy between Senators Baucus, Durbin, and Grassley provides some guidance regarding how the new rule will be applied in the case of limited tax benefits. In relevant part the colloquy states:

For more guidance, we also recommend the interpretative guidelines developed by the staff of the Joint Committee on Taxation in response to the prior-law line item veto. These guidelines may also be applicable to the interpretation of the proposed earmark disclosure rules for limited tax benefits in this bill. The Joint Committee on Taxation documents are called, first, the ''Draft Analysis of Issues and Procedures for Implementation of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCX–48–96, and second, the ''Analysis of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCS–1–97.

The proposed rule in this bill would require the disclosure of limited tax benefits. It would define a limited tax benefit to mean any revenue provision that, first, provides a Federal tax deduction, credit exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and second, contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

The proposed rule would apply in most cases where the number of beneficiaries is 10 or fewer for a particular tax benefit. But the Finance Committee will not be bound by an arbitrary numerical limit such as ''10 or fewer.'' Rather, we will apply the standard appropriately within the unique circumstances of each proposal. For example, if a proposal gave a tax benefit directed only to each of the 11 head football coaches in the Big Ten Conference, we may conclude that the rule would nonetheless require disclosure of this benefit, even though the number of beneficiaries would be more than 10.

We will not limit the application of the proposed rule to proposals that result in a reduction in Federal receipts relative to the applicable present-law baseline. We believe that the proposed rule would have application to limited tax benefits that provide a tax cut relative to present law for certain beneficiaries, like, for example, a tax rate reduction for certain beneficiaries. But we also believe that the rule would apply to limited tax benefits that provide a temporary or permanent tax benefit relative to a tax increase provided in the proposal, like, for example, exempting a limited group of beneficiaries from an otherwise applicable across-the-board tax rate increase.

For example, a new tax credit for any National Basketball Association players who scored 100 points or more in a single game would be covered by the rule. And the rule would also cover a new income tax surtax on players in the National Hockey League that exempted from the new income surtax any players who were exempted from the league's requirement that players wear helmets when on the ice.

The rule defines a beneficiary as a taxpayer; that is, a person liable for the payment of tax, who is entitled to the deduction, credit, exclusion, or preference. Beneficiaries include entities that are liable for payroll tax, excise tax, and the tax on unrelated business income on certain activities.

The rule does not define a beneficiary as the person bearing the economic incidence of the tax. For example, in some instances, a taxpayer may pass the economic incidence of a tax liability or tax benefit to that taxpayer's customers or shareholders. The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the incidence of the tax.

In determining the number of beneficiaries of a tax benefit, we will use rules similar to those used in the prior-law line item veto legislation. For example, we will treat a related group of corporations as one beneficiary for these purposes. Without such a rule, a parent corporation could avoid application of the disclosure rule by simply creating a sufficient number of subsidiary corporations to avoid classification as a limited tax benefit under the proposed rule.

For example, if a related group of corporations—like parent-subsidiary corporations or brother-sister corporations—owns a football team, then the related group will be considered one beneficiary. That treatment is analogous to the team being one entity, not separate entities, like the coaching staff, offensive unit, defensive unit, specialty unit, and practice squad.

The time period that we will use for measuring the existence of a limited tax benefit will be the same time period that is used for Budget Act purposes. That is the current fiscal year and 10 succeeding fiscal years. Those are also all the fiscal years for which the Joint Committee on Taxation staff regularly provide a revenue estimate.

For purposes of determining whether eligibility criteria are uniform in application with respect to potential beneficiaries of such a proposal, we will need to determine the class of potential beneficiaries. In the case of a closed class of beneficiaries—for example, all individuals who hit at least 755 career home-runs before July 2007—that class is not subject to interpretation, since only Henry Aaron satisfies this criteria. If, instead, the defined class of beneficiaries is all individuals who hit at least 755 career home-runs, then we will determine the class of potential beneficiaries by assessing the likelihood that others will join that class over the time period for measuring the existence of a limited tax benefit.

Whether the eligibility criteria are not uniform in application with respect to potential beneficiaries will be a factual determination. To continue with the previous hypothetical, a proposal that provides a tax benefit to all individuals who hit at least 755 career home-runs may still not require disclosure if it is uniform in application. If the same proposal is altered so as to exclude otherwise eligible career home-run hitters who played for the Pittsburgh Pirates at some point in their career, then that kind of a limited tax benefit would require disclosure under the proposed rule.

Some of the guidelines in the Joint Taxation Committee's reports numbered JCX–48–96 and JCS–1–97 would not be directly applicable, but may be helpful in determining the class of potential beneficiaries. For example, the same industry, same activity, and same property rules might provide useful analysis.

Provision to restructure the New York Liberty Zone tax incentives

In addition to repealing certain depreciation and expensing provisions previously available in the New York Liberty Zone (the ''NYLZ''), Section 301 provides a Federal credit against the tax imposed for any payroll period by Code section 3402 (related to withholding for wages paid) for which a NYLZ governmental unit is liable under Code section 3403. NYLZ governmental units are defined as the State of New York, the City of New York, or any agency or instrumentality of the first two.

The credit may be claimed during the 12-year period beginning on January 1, 2008 and is equal to certain amounts expended by the governmental units on a qualifying project. A qualifying project is any transportation infrastructure project in or connecting with the NYLZ that is designated by the Governor of the State of New York and the Mayor of the City of New York as a qualifying project. The Governor of the State of New York and the Mayor of the City of New York are to allocate to the New York Liberty Zone governmental units their portion of the qualifying expenditure amount for purposes of claiming the credit. The provision is effective on the date of enactment.

Congressionally Directed Spending Item or Limited Tax Benefit

The threshold question is whether Section 301 should be analyzed as a ''congressionally directed spending item'' or as a ''limited tax benefit,'' because Rule XLIV treats the two somewhat differently. It can be argued that Section 301 essentially constitutes a ''congressionally directed spending item,'' and therefore that the limited tax benefit analysis is irrelevant. The reasoning supporting this reading is that in the ordinary course, Federal withholdings on employee wages are effectively assets of the U.S. Treasury, and the tax credit made available by Section 301 may be claimed (and withholdings on wages therefore retained rather than being transmitted to the U.S. Treasury) only to the extent that the employer/governmental unit in question incurs expenditures for specifically identified projects.

Section 301 unquestionably has the economic effect of an appropriation: money otherwise due the U.S. Treasury will, by virtue of this provision, effectively fund (in light of the fungibility of money) a specific expenditure. Nonetheless, this memorandum proceeds upon the assumption that Section 301 is a ''tax benefit'' and not a ''spending item.'' We believe that this is an area where legal form, not economic substance, controls. Accordingly, we are of the view that an amendment to the Internal Revenue Code that has an outlay effect is not by virtue of that fact alone a spending item. For example, we believe that the refundable portions of the child tax credit and earned income credit should be considered tax benefits for these purposes, notwithstanding the fact that these provisions have substantial outlay effects.

Our mode of analysis is dictated by practical necessity: virtually every ''tax expenditure'' could equally well have been implemented by Congress as an appropriation. We take comfort as well in the observation made in the colloquy quoted above that, for purposes of Rule XLIV, the ''beneficiary'' of a limited tax benefit is determined by looking to the formal imposition of tax liability (i.e., by determining who is the relevant ''taxpayer''), not to the party bearing the economic incidence of the tax. The colloquy makes clear that the reason for doing so is one solely of administrative convenience (''The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the [economic] incidence of the tax.'')

In this case, Section 301 is structured as a tax credit made available under the Internal Revenue Code to certain employers against their otherwise-existing obligation to remit employee withholdings to the U.S. Treasury. In light of our traditional analysis summarized above, we therefore think it appropriate to proceed on the basis that Section 301 should be analyzed under the ''limited tax benefit'' leg of Rule XLIV.

Limited Group of Current Beneficiaries

A second issue is whether Section 301 currently benefits a limited group of beneficiaries. Applying by analogy the colloquy's reference to treating a related group of corporations as one taxpayer, we believe that the agencies and instrumentalities of New York State and City should be treated as at most two taxpayers for purposes of whether a limited group of beneficiaries is affected by the provision. Accordingly, we believe that the statutory incidence of the provision falls on fewer than 10 beneficiaries (i.e., the State of New York, the City of New York and agencies or instrumentalities of the State or City). The economic incidence of the provision is not determinative for these purposes.

Uniform Application to Potential Beneficiaries

Under Rule XLIV, a tax provision that in practice applies only to a limited number of current beneficiaries nonetheless is not a ''limited tax benefit'' unless in addition that provision's ''eligibility criteria are not uniform in application with respect to the potential beneficiaries of the provision.'' (Emphasis supplied.) The only direct indication of what constitutes the ''uniform application'' of a taxing statute to potential beneficiaries is the colloquy described above. In this regard, the colloquy indicates that a tax benefit that applies equally to current and potential future beneficiaries will not constitute a limited tax benefit, just because the number of identifiable beneficiaries today is fewer than 10.

We suggest that the most logical way to read Rule XLIV that is consistent with its obvious intended scope and with the colloquy is to conclude that Rule XLIV applies a two-step analysis towards ''potential'' beneficiaries. First, a sponsor of a Bill that has a limited number of current beneficiaries can rely on the existence of a sufficiently large class of reasonably-likely potential beneficiaries to demonstrate that the Bill applies to more than a limited number of taxpayers. In that case, however, Rule XLIV goes on to provide that the statute must be applied uniformly to them and to currently-known beneficiaries. This reading finds direct support in the fact that Rule XLIV's ''uniform application'' clause applies only with respect to ''potential beneficiaries'' of a statute.

In other words, a Bill that has a large number of current beneficiaries is not a limited tax benefit provision, because by definition it does not apply to a limited number of taxpayers, without regard to whether future (''potential'') taxpayers are treated differently from current ones. If, however, a Bill today applies only to a limited number of beneficiaries, then the Bill's sponsor cannot rely on a sufficient number of ''potential'' beneficiaries emerging in the future to avoid the application of the limited tax benefit rule unless the statute would treat all current and potential beneficiaries equally.

Under this reading, a statute that has no possible future (''potential'') beneficiaries and that applies today to a limited number of current beneficiaries must be a limited tax benefit. It cannot be the case, for example, that a rule identifying a class of taxpayers comprising only Hank Aaron nonetheless is not a limited tax benefit, on the theory that all those taxpayers (a single individual) are treated equally.

Following this mode of analysis, the most important analytical step in applying Rule XLIV to a case (like this) where a statute's current beneficiaries are limited in number is to determine the relevant class of potential (i.e., future) beneficiaries. The colloquy concludes that a statute's class of potential beneficiaries is to be determined ''by assessing the likelihood'' that beneficiaries beyond those to whom the benefit applies today may appear at a later date.

Thus, to continue with the colloquy's baseball analogy, a permanent tax benefit made available on a uniform basis to all individuals who hit a least 755 major league career home-runs is probably not a limited tax benefit (because the number of individuals who could qualify in the future is unlimited), but a comparable temporary provision expiring December 31, 2008, probably does constitute a limited tax benefit, because the class of individuals who could reasonably be expected to satisfy that test would come down to two identifiable individuals.

Having identified the class of potential beneficiaries, and having determined that they are sufficiently numerous as to overcome the ''limited'' nature of the tax benefit in question, the final step in the analysis is to ensure that the statute will apply uniformly to all potential and current beneficiaries. In most cases, this determination will be straightforward.

In sum, we acknowledge that the ''uniform application'' test is both vague and difficult to apply. The ''uniform application'' leg of the analysis should not be read, however, to undercut the entire purpose of Rule XLIV. If the only taxpayers that can reasonably be expected to satisfy a bill's definition of the class of beneficiaries of a tax benefit are both few in number and known to the Senator proposing the Bill at the time that the legislation is considered, then in our view that Bill must give rise to a Rule XLIV issue. Any other reading would vitiate the Rule of any meaning.

This mode of analysis leads to a straightforward resolution of the present case. In practice, only New York State and New York City (and political subdivisions thereof) can be expected to qualify for the benefits of Section 301. The fact that these two identifiable beneficiaries are treated equally is not enough, in our view, to avoid the reach of Rule XLIV.

Conclusion

While we recognize that colorable arguments can be made in support of the contrary conclusion, we believe that Rule XLIV's disclosure requirement for limited tax benefits is applicable to Section 301.

I would be pleased to discuss this issue further with you, should you wish. In any event, I hope that this memorandum is helpful to the Chairman's decision-making process.

Mr. Speaker, I would also remind my good friend from New York that Virginia, too, was attacked on 9/11. So it is not that any of us forget 9/11, but we all, in this House, still mourn the loss of the lives in New York, Pennsylvania and Virginia.

I would say to the gentleman, that's not the issue here. The issue here is about an air-dropped earmark that benefits one entity, one locality, New York City, that is reported to be requested by one Member, and that is Chairman RANGEL.

Again, I say to the gentleman, no one, no one denies the fact that this country is struggling, still struggling post 9/11. Yes, we saw the news in the markets yesterday.

Yes, I understand the gentleman represents New York City, the financial capital of the world, and is very concerned about its well-being, as we all are. But, again, I would make the point that this is not the subject of my objection.

Mr. CROWLEY. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from New York.

Mr. CROWLEY. Thank you. Would the gentleman agree that the President has included this in his budget for this fiscal year?

Mr. CANTOR. If the gentleman says so.

But, again, reclaiming my time, I am not opining and standing up on the substance of what is behind the request for the Liberty Bonds.

What I am objecting to is the fact that this, the insertion of this item, is so far beyond the jurisdiction of a bill designed to promote American energy production that it just doesn't even pass the straight-faced test.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts, the chairman of the Select Committee on Energy, Independence and Global Warming, Mr. MARKEY.

Mr. MARKEY. I thank the gentle lady.

Mr. Speaker, this is all part of an ongoing effort by the Republicans to change the subject, to have a drilling distraction, anything to get away from what their true agenda is.

This is something that should be opposed. What the Republicans are trying to do here should be opposed, because what this is really all about, and what they are trying to do now, is to avoid the real debate on the fact that this is a comprehensive energy plan that has been brought to the House floor, that this bill deals with renewables. It deals with conservation. It deals with all of these issues that we need to deal with.

We will see if they mean it when they say they want a comprehensive energy plan, because that's what we are going to be debating today, or have they been simply playing politics, which is what this motion is all about. It's intended to avoid the real debate.

We are going to see a lot of crocodile tears here, shed on the Republican side here, after 12 years of controlling the energy committees, after 8 years of having George Bush and DICK CHENEY in the White House, after the Department of Energy under Republican control, the crocodile tears are flowing with regard to all of their concern about our energy dependence.

That's what this point of order is all about. It's just another distraction, another attempt to get away from the fact that on renewable, on conservation, on efficiency they did almost nothing. It's almost 12 years that they controlled the United States Congress, until last year, in conjunction with the Bush-Cheney secret energy plan.

The Republicans say they want all of the above, but have they here produced a bill which is truly comprehensive?

No, they have not.

Because their plan is not all of the above. The Republican leadership, the White House, and Big Oil is really concerned with all that's below, not all of

the above, all that's below. Our beaches, 3 miles offshore, all of the oil that's below our national parks, all the oil that's below our most pristine wilderness areas, that's what they are in favor of.

Not all of the above, all that's below. They had 12 years controlling this institution to do something about all of the above, wind, solar, geothermal, efficiency. They did nothing.

All of this is just another attempt to get off the point, to have a distraction, which is why we should reject this point of order. America needs an oil change.

All right, we will permit some more drilling, but you also have to have a strategy for the future. They keep saying on the Republican side, drill, baby, drill.

What we are saying is change, baby, change. They can't change. They are still out here with the Big Oil agenda. They are still out here saying no to wind, no to solar, no to efficiency, no to geothermal, no to the future.

Innovate, baby, innovate. Change, baby, change. That's what this debate is all about, and that's what they are trying to do. They are trying to change the subject. They are trying to distract from the fact that they are interested in more drilling, but not a comprehensive energy plan for our country.

That's why it's great that we are having this debate. Because we see, once again, what they did for 12 years, distract the American public, allow ourselves to become more dependent on imported oil and then come out and try to wash their hands of their responsibilities. Vote ''aye.'' Vote for change.

Mr. CANTOR. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I guess that some on the majority side think that they can cover up just by yelling or by raising the volume here of debate.

The bottom line here is, and the reason for this point of order, is that the majority party thought that, all right, we can have a bill here, or we can sneak something in. Let's sneak a limited tax benefit for New York.

You can call it an earmark, that's the proper definition when you have a limited tax benefit. You can call it a banana. You can call it anything you want to. The bottom line is the majority tried to sneak something into a broader bill that's supposed to be about energy, and that's what this is about.

So nobody is trying to distract anybody, other than those who are trying to slip a provision in that doesn't have to do with any comprehensive energy plan. It has to do with New York.

You can raise your voice, and you can yell all you want. The bottom line is somebody tried to sneak a limited tax benefit into this legislation. That's why I support the point of order.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how many more speakers my colleague has?

Mr. CANTOR. Mr. Speaker, I am the last speaker. I have no additional speakers.

Ms. SLAUGHTER. All right. Then I shall wait to close.

Mr. CANTOR. Mr. Speaker, may I ask, does the gentlelady have an additional speaker, or is she ready to close?

Ms. SLAUGHTER. I have one more, but I only have about half a minute left, so it is going to be very brief.

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

Mr. CANTOR. Mr. Speaker, all I would say is the histrionics that we have already seen on the majority side of the aisle indicate the sensitivity of the matter of earmarks.

We, I think, all have noticed that the public has an increasing awareness of the way that this body operates, and they have a great dissatisfaction aimed towards this process. That's why we raise this issue. It is just completely unfair. It smacks of a smoke-filled room, behind-closed-doors dealings that is not befitting of this institution.

Frankly, it is not what the American people want, nor what they deserve.

□ 1245

That is the reason for raising this question surrounding the $1.2 billion that has been requested by what reports have said was Chairman RANGEL of the Ways and Means Committee.

Again, on their own, liberty bonds should stand a test of this House; but it should not be a provision inserted in a bill that is meant to increase American energy production so that we can bring down gas prices.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, let me just remind my colleague regarding accusations as to who is responsible for this particular piece of legislation being added to this bill. Initially this was air-dropped into the overall bill to help New York recover after 9/11 by Chairman Thomas. So I guess to some degree Chairman Thomas is responsible for this particular provision being here today, without consultation with not only the ranking member, CHARLIE RANGEL at the time, or MIKE MCNULTY from New York State. Even his own colleague from the Republican side of the aisle, Amo Houghton at the time who was a Member, was not consulted about the addition of this into the legislation.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 23, as follows:

[Roll No. 593]

YEAS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett

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

NOT VOTING—23

Aderholt
Barrett (SC)
Brady (TX)
Brown-Waite, Ginny
Cubin
Culberson
Davis, Tom
Dingell
Dreier
Ehlers
Hunter
Jackson-Lee (TX)
Johnson, Sam
Lampson
McCaul (TX)
Neugebauer
Paul
Pitts
Poe
Spratt
Udall (CO)
Walberg
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1311

Mrs. MYRICK and Messrs. BURGESS and McKEON changed their vote from ''yea'' to ''nay.''

Ms. ROYBAL-ALLARD, Ms. LEE and Messrs. ALTMIRE, CONYERS, HINOJOSA and KUCINICH changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 9, noes 386, not voting 38, as follows:

[Roll No. 594]

AYES—9

Doolittle
Johnson (IL)
Linder
McKeon
Miller, Gary
Saxton
Shimkus
Waxman
Weldon (FL)

NOES—386

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards (MD)
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walz (MN)
Wamp
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—38

Aderholt
Barrett (SC)
Boswell
Brady (TX)
Cantor
Cubin
Culberson
Davis, Tom
Dingell
Dreier
Edwards (TX)
Ehlers
English (PA)
Everett
Holden
Hunter
Jackson-Lee (TX)
Johnson, Sam
Keller
Lampson
Larsen (WA)
Mahoney (FL)
Neugebauer
Paul
Pence
Pitts
Poe
Renzi
Sutton
Tancredo
Udall (CO)
Visclosky
Walberg
Walsh (NY)
Wasserman Schultz
Westmoreland
Whitfield (KY)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1331

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to

revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 1433 provides a closed rule for consideration of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. The resolution provides 3 hours of debate on the bill, controlled by the Committee on Natural Resources.

Mr. Speaker, American families and businesses from every city, town and village across our districts are struggling with the skyrocketing gas prices and ever-increasing energy costs, which have obviously gone over into the cost of food and every other commodity that we use. The American people are calling out for relief, which is why we have this comprehensive energy package before us today.

In considering this legislation, we must ask ourselves: How did our great Nation get into this terrible place concerning energy in the first place? Eight years ago, two oilmen took the reins of America's energy policy, and they never looked back. They held secret, closed door meetings with Big Oil and energy companies at a tremendous cost to the American people. And the Republican Congress supported them every step of the way. To this day, we do not know about the secret meetings that the Vice President held.

Just this past summer, the American people struggled through an excessive speculation crisis when oil prices jumped over $150 a barrel. Of course, when the Democrats threatened to rein in speculators, they pulled over $39 billion out of the futures market. We must address speculation before we leave this session. Because now, the oil prices are hovering over $90 a barrel, and we cannot let that go uncared for.

Just last week, we saw the havoc that the Bush-Cheney energy policies have wreaked when the Interior Department's Inspector General reported that administration employees at the Minerals Management Service, who were supposed to be regulating oil royalties, were literally accepting improper gifts and engaging in unethical conduct, such as having sex at parties, using drugs with persons, employees of the oil companies. They were literally, Mr. Speaker, in bed with each other.

My colleagues across the aisle say they want to change the energy policy, but their record certainly proves differently. The very same Republicans voted ''no'' to the first new vehicle efficiency standards in 32 years that would have saved $1,000 in fuel costs per car per year. They said ''no'' to recouping the royalties that the oil companies failed to pay to taxpayers. They said ''no'' to curbing excessive speculation in the energy futures markets, and ''no'' to requiring the oil companies to drill on the 68 million acres of Federal land that they already control nationwide, and the list goes on and on.

Mr. Speaker, if the other party has its way in energy, we will have more of the same Bush-Cheney energy policy written by and for the oil companies. They would help Big Oil to get more public land owned by every American, more American oil, more taxpayer dollars, and continuing record profits while American families and businesses get stuck paying record prices at the pump and heating prices.

Mr. Speaker, today this comprehensive bill presents the administration and its allies in Congress with a clear choice on energy. Either side with the American taxpayer, side with the people who sent you here to vote and vote for this, or side with the Big Oil companies who have had the largest profits in the history of mankind and certainly do not need more tax breaks from the American public.

Now, there are significant differences between the Bush administration's policy that got us into this mess and the plan before us today. This package is an energy package for a 21st century policy that will help Americans to reclaim a clean energy future.

And the choice is very clear, as I said before, which side are you on? The bill addresses America's energy crisis in both the short term and the long term.

By releasing oil from the Strategic Petroleum Reserve, we will immediately lower prices at the pump for American families struggling with high gas costs. And we will replace the oil at the reserve as the gas prices stabilize.

Meanwhile, by investing billions of dollars over the long term in renewable energy, energy efficiency, and mass transportation, we will harness innovation and create good-paying American jobs while strengthening our energy security.

By expanding the access to offshore oil reserves and encouraging responsible drilling, the bill promotes more exploration and will lead to increased domestic energy production.

By promoting energy efficiency and conservation in buildings, through upgraded building codes and incentives for energy-efficient construction, the bill would lead to reduced energy use and lower utility prices.

In light of the Inspector General report from the Interior Department showing that the Minerals Management Service employees were accepting gifts from the oil companies and engaging in unethical conduct, this bill would subject the MMS employees to a higher ethical standard and make it a Federal offense for oil companies to provide them with gifts of any kind.

At the same time, by providing more funding for home heating assistance, we ensure that seniors and other vulnerable populations do not have to choose between food and heating oil.

Under this bill, we would enact our first national renewable electricity standard. The power companies would be required to generate 15 percent of their electricity from renewable sources by 2020, reducing the air pollution from power plants and helping address the threat of global warming.

As Americans use more public transportation in the face of high gas prices, this bill will help the transit agencies deal with the added costs of increased ridership by providing $1.7 billion in grants.

And at the same time, with the record-breaking oil company profits, it requires the oil companies to pay their fair share by repealing the tax subsidies they do not need and by requiring that the Federal Government collect the oil royalties due to the American people. That's one of the reasons why reform at the committee is so important.

This comprehensive energy legislation is the result of a serious compromise on the part of this Congress to bring down prices now and to invest in a clean renewable future. It will provide America with the American-owned energy policy that this administration has failed to deliver in the last 8 years.

Mr. Speaker, there are precious few moments in each of our lives where we have a chance to do something that profoundly affects not only our own lives but the lives of future generations.

Today, we do have a choice. Do we want to continue on the same dangerous energy policies of the past or do we want to invest in a clean energy future that will help to ease consumer costs in the short term while putting the Nation on a path to a clean energy future that will create a stronger and safer America?

Our energy choices will not only affect Americans who are suffering at the pump but profoundly affect the future of life on this planet.

Mr. Speaker, we cannot afford more of the same when it comes to this administration's energy policy.

We are all proud Americans, but it is time we start acting like Americans once again. Our great Nation is known around the world for dreaming big and for reaching those dreams. When President Kennedy set a goal to put a man on the Moon in 10 years, America got to work and did it. It is time to set big goals and work diligently to achieve them, and that's exactly what this bill does.

I encourage my colleagues on both sides of the aisle to make history by supporting this comprehensive bill that sets the country back on track to a clean energy future and finally begins to break our dangerous addiction to oil which we have been promising to break for at least the last 30 years. The world deserves nothing less.

[From the Office of Speaker Nancy Pelosi, July 30, 2008]

THE GOP ENERGY PLAN: NONE OF THE ABOVE

Republicans may talk a good game, but their actions speak louder than words. Republicans have voted against the critical solutions that must be part of a comprehensive

New Direction for Energy Independence. They voted against renewable energy and conservation, responsible domestic oil production, short-term measures to bring down prices now and punish those who are manipulating the oil market, and new requirements that oil companies pay their fair share.

Instead of working on behalf of American families and businesses, the House Republicans ''all of the above'' energy plan simply rehashes failed ideas on domestic drilling or proposes ideas that Republicans have repeatedly blocked in the past. Their all-out legislative battle in recent years to protect the record profits of oil companies earning record profits has earned them the moniker ''Grand Oil Party.'' Americans paying $4 a gallon thanks to an energy policy literally written by the oil industry cannot afford this the GOP's ''none of the above'' energy plan.

The Republican leadership's ''none of the above'' record:

	Free our oil	Drill act	Use it, or lose it	Price gouging	Renewable energy	NOPEC price fixing	Public transit	Energy security
John Boehner, Republican Leader	NO	NO	NO	NO	NO	NO	NO	NO
Roy Blunt, Republican Whip	NO	NO	NO	NO	NO	NO	NO	.....
Adam Putnam, Conference Chairman	NO	NO	NO	NO	NO	.....	NO	.....
Thaddeus McCotter, Policy Committee Chairman	NO	NO	NO	.....	NO	.....	.....	NO
Kay Granger, Conference Vice-Chair	NO	NO	NO	NO	NO	NO	NO	NO
John Carter, Conference Secretary	NO	NO	NO	NO	.....	NO	NO	NO
Tom Cole, Chairman, National Republican Congressional Committee	NO	NO	NO	NO	NO	NO	.....	NO
Eric Cantor, Chief Deputy Whip	NO	NO	NO	NO	NO	.....	NO	NO
David Dreier, Rules Committee Ranking Republican	NO	NO	NO	NO	NO	.....	NO	.....
	H.R. 6578	H.R. 6515	H.R. 6251	H.R. 6346	H.R. 6049	H.R. 6074	H.R. 6052	H.R. 6

A full list of measures that large percentages of House Republicans voted against:

Comprehensive energy legislation that includes the first new vehicle efficiency standards in 32 years, saving families up to $1,000 a year at the pump. [93 percent, Vote 1140, 12/6/07, HR 6; 50.3 percent, Vote 1177, 12/18/07, HR 6].

Tax incentives for renewable electricity, energy and fuel from America's heartland, as well as for plug-in hybrid cars, and energy efficient homes, buildings, and appliances—four times in just the last 18 months. [82 percent, Vote 344, 5/21/08, HR 6049; 91 percent, Vote 84, 2/27/2008; 93 percent, Vote 1140, 12/6/07, HR 6; 95 percent, Vote 835, HR 2776].

Investments in energy efficiency and renewable energy, including solar, biofuels, hydropower, and geothermal energy, as well as new vehicle technology and energy efficient buildings and homes, with a 50 percent increase over the President's request. [56 percent, Vote 641, 7/17/07, HR 2641].

Landmark energy efficiency standards for buildings, homes, appliances, and lighting to save consumers $400 billion through 2030. [93 percent, Vote 1140, 12/6/07, HR 6; 50.3 percent; Vote 1177, 12/18/07, HR 6].

Requiring that 15 percent of American electricity come from renewable energy by 2020. [83 percent, Vote 827, 8/4/97, amendment to HR 3221].

Reducing transit fares for commuter rail and buses and expanding service through grants to transit agencies. [52 percent, Vote 467, 6/26/08, HR 6052].

Responsible drilling in Alaska in the National Petroleum Reserve (NPR–A). [86 percent, Vote 511, 7/17/08, HR 6515].

Requiring oil companies to drill on 68 million acres they already control. [94 percent, Vote 469, 16/26/08, HR 6251].

Releasing a small portion of the government's oil stockpile, the Strategic Petroleum Reserve, to bring down gasoline prices. [81 percent, Vote 527, 7/24/08, HR 6578].

Cracking down on price gouging oil companies that artificially inflate the price of energy. [74 percent, Vote 448, 6/24/08, HR 6346].

Repealing unnecessary subsidies for the top five oil companies earning record profits—four times over the last 18 months. [91 percent, Vote 84, 2/27/2008; 93 percent, Vote 1140, 12/6/07, HR 6; 95 percent, Vote 835, HR 2776; 81 percent, Vote 40, 1/18/07, HR 6].

Recouping royalties that oil companies owe American taxpayers for drilling on public lands. [86 percent, Vote 832, 8/4/07, HR 3221; 81 percent, Vote 40, 1/18/07, HR 6].

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from New York, the Chair of the Rules Committee, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, for many months the liberal leaders that control this House have blocked, dodged, and refused to allow a vote on legislation to produce more American-made energy.

Democrat leaders have been absolute in their opposition to lifting the ban on drilling offshore, and they have repeatedly and adamantly refused any action on such legislation to help lower gas prices that are hurting people at the pump.

And yet today, Mr. Speaker, after these many months and years of stamping their feet and yelling ''no,'' are we now to believe that these same liberal Democrats, standing before us today with a salesman smile on their face, are we to believe them that they are now declaring that this is a pro-drilling bill?

Mr. Speaker, the American people are not fools. They won't be taken in by this sham of a bill that will actually lock down Americans' ocean oil reserves.

There are two phrases that come to mind, Mr. Speaker, about this bill. The first is ''grasping at straws,'' which is defined as trying to find reasons to be hopeful about a bad situation. The second phrase is ''fig leaf,'' which means something you use to try to hide an embarrassing fact or problem. Mr. Speaker, with this bill, Democrats are grasping at straw fig leaves.

There's an election coming up, and Democrats are desperately in search of political cover, political cover for their long record of opposing drilling and producing more American-made energy.

This straw fig leaf bill was written in secret. There were no public hearings on this bill. The first copy of it was made public at 9:45 p.m. last night, barely 12 hours ago, and it's 290 pages long.

The Democrat-controlled Rules Committee blocked every single Member of this House from being able to offer their ideas for improving this bill. No amendments were allowed to the bill.

So, Mr. Speaker, Democrats are simply playing a political game. Everybody knows this bill will never pass Congress and become law, but don't take my word for it. Democrat Senator Mary Landrieu of Louisiana said this bill is ''dead on arrival in the Senate.'' And when you examine the details of this bill, it certainly deserves to be dead, Mr. Speaker.

It permanently locks up vast amounts of America's oil and gas reserves, including more than 10 billion, with a B, 10 billion barrels of oil on Alaska's remote North Slope. It leaves 88 percent of America's offshore energy resources locked up. It increases taxes by billions of dollars, taxes which will land squarely on the shoulders of American consumers. And it permanently bans drilling within 50 miles of American shores.

Now, Mr. Speaker, why is this fact important? It's important because, according to the Interior Department, of the nearly 10 billion, again B, barrels of oil believed to be offshore in California, only 5 percent is beyond the 50-mile barrier.

□ 1345

Mr. Speaker, what this simply means is that this bill permanently bans drilling on 95 percent of the oil believed to be off the coast of California.

As if a permanent ban on drilling in the first 50 miles offshore were not enough, drilling between 50 and 100 miles out would also be effectively banned. By refusing to allow States to share in revenue generated by offshore drilling, this bill guarantees that drilling offshore will never be permitted by the States.

Right now, States along the Gulf of Mexico are paid a share of the oil produced in those waters. Under this bill, royalty sharing won't be allowed. As a result, States would have no incentive to allow any drilling whatsoever. In fact, I would submit they would have a disincentive. Why would a State allow someone to come into their back yard and pay them no share of the profits that would be made by the offshore drilling? It is the equivalent of the government opening a Starbuck's or a McDonald's franchise in your garage or family home but paying you nothing,

even to alleviate the cost of dealing with the impacts of that business.

And consider this, Mr. Speaker, if this is truly a drilling bill, why is there no outcry from the radical environmental special interests? Mr. Speaker, it's because they know that drilling will never happen under this plan. Those who are opposed to drilling can vote for this bill secure in the knowledge that drilling will never actually happen under this sham bill.

Mr. Speaker, my district in central Washington is the home of Grand Coulee Dam and vast amounts of hydropower. It is the home of the only nuclear plant in the Pacific Northwest. It is home to the vast majority of wind farms in Washington State. And it is home to the Pacific Northwest National Lab, a leader in renewable energy research.

Those who call central Washington home believe in an all-of-the-above plan that lowers energy prices. That means promoting alternative energy sources like wind and solar power, recognizing a need for more nuclear power, protecting our valuable hydropower dams, and also allowing drilling offshore in Alaska and on other Federal lands. But this bill, Mr. Speaker, does not address those issues.

The Democrat plan just means billions of dollars in higher taxes, more government mandates that will increase costs for everyone, and a permanent ban on most of our offshore resources.

I believe, Mr. Speaker, that the American people deserve a vote on legislation that truly expands alternative energy sources and lifts the ban on offshore drilling and in Alaska. They deserve a vote on H.R. 6566, the American Energy Act, but the liberal leaders of this Congress have blocked a fair yes-or-no vote on this bill for months. They blocked a fair yes-or-no vote, Mr. Speaker, because I believe they know if it were on the floor, it would likely pass.

Mr. Speaker, BARACK OBAMA, JOE BIDEN, HARRY REID and NANCY PELOSI control the Democrat Party here in this Congress. They oppose drilling. They have fought and blocked it for years. Every time drilling has come up they've said ''no, no, no.'' And this bill is just more of the same because it says no drilling in Alaska, no to truly lifting the offshore drilling ban, no to opening up oil shale in the western United States, no to hydropower as a renewable energy source, no to noncarbon emitting nuclear power, no to building new refineries here in America, and no to clean coal and coal-to-liquid technology. The only thing that the Democrat bill says yes to are tax increases, permanent bans on drilling, and continued high prices.

Mr. Speaker, before I conclude my opening remarks, I want to shine the light on an area of this bill that has not gotten much attention, partly because no one had a copy to read this bill before 9:45 last night.

Of serious concern are the costly new mandates included in the national Renewable Energy Standard that this bill creates. The most likely and certain result of this is to increase the power bills of almost every American family and business that it affects. That's right, Mr. Speaker, the Democrat bill isn't going to lower gas prices, but it will increase power bills.

The most egregious of it all is that this new mandate is slanted and biased by saying solar and wind power are renewable under the standard, but that hydropower isn't. This discrimination against hydropower is absolutely ridiculous. Hydropower is the most abundant source of renewable energy in our country. Hydropower is renewable, clean, non-emitting, non-polluting, and a reliable energy source.

Mr. Speaker, those are the facts.

And consider this; if capturing the sun shining and the wind blowing is renewable energy, then so is water running downhill, which is precisely what hydro is all about. But believe it or not, it is not renewable by definition under this bill.

Mr. Speaker, when Democrats—who just days ago were proudly declaring their career-long opposition to oil drilling—are suddenly preaching the merits of this self-proclaimed drilling bill, you know, it's really hard not to laugh, except for the fact that families, workers, farmers, schools and small businesses are struggling under the high cost of gasoline, and really this Democrat Congress is doing nothing to help.

Instead of real solutions to real problems of high gas and energy prices that Americans are facing, this Democrat Congress has chosen to look after themselves in writing this bill. What do I mean by that? This bill will do nothing, nothing but give Democrats a talking point and a 30-second television commercial where they can smile and claim that they are supporting drilling for American oil.

I urge my colleagues to vote against this unfair rule and this sham bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont, a member of the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. Mr. Speaker, we have an opportunity here to decide to make policy instead of continuing to play politics.

I happen to be among those who believe that we cannot drill our way out of this energy crisis, yet I support this bill that contains significant offshore and domestic drilling, and I'll tell you why. This will offer a transition fund so that we can go from an energy-dependent economy on oil to an independent energy economy.

What this bill will do is marry the argument that has been made on the other side that we have to have supply to get from here to there—that's true, it's indisputable—and that developing our own domestic resources is a way to help us get there. And it marries that to establishing that the revenues that will be generated will be used for the benefit of the American people to achieve the goal of energy independence, which requires two things: It requires investment in research and development of alternative energies, and it requires investment in the implementation of alternative energy projects.

So what you have here is a recognition that we do need supply; that's true. That's been the argument of the Republican side. Valid point. But it also recognizes that we need a sustainable financial fund in order to implement research and development in the implementation of clean energy projects.

This bill also cracks down on speculation, makes oil available, which will have an impact on the price of oil. It does a whole array of things that most of us are in agreement need to be done on wind, solar, biomass.

So, Mr. President, we can't drill our way out, but we can't get to where we need to be, a post oil-dependent economy, unless we have a sustainable energy fund that will allow us to do that. We managed to do this in Vermont when we had a fierce debate over nuclear power, and in the storage of nuclear waste, assessed a fee that went into a clean energy fund. It is now allowing schools to literally cut in half their cost of heating their schools. This is a very wise decision and allows us to work together to get something done.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 19½ minutes. The gentlewoman from New York has 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the Republican whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I appreciate the gentleman yielding.

This bill comes to the floor today, this rule comes to the floor without an opportunity to talk about issues that have been before the House for months now. Our Members—even with a 9:45 notice last night that finally there was a bill that nobody had seen on this side of the aisle before 9:45, 10:45 Rules Committee meeting—brought a stack of amendments a foot high to the committee, none of which we're voting on today, amendments and legislation that have been out there for months for people to look at that do most of the things that the gentleman from Vermont just mentioned.

And I agree that we need to be doing everything—we need to be doing more biomass, we need to be doing more wind, we need to be doing more solar, but we need to be doing more of everything. And everything is not in this bill. There is no nuclear, there is no lawsuit permitting reform. There is no real way to do oil shale in this bill.

Most importantly, this bill that now purports to allow drilling offshore doesn't do that because you don't open the door to that offshore drilling. We have four States in America today that get 37.5 percent of the revenue taken from that resource near their State. We're telling the other States, the other coastal States, you're not going to get anything, but we want you to vote to open the door to that 100-mile area offshore.

We're taking too much permanently out of play. The 25–50 mile range that Republican bill after Republican bill—and in fact Democrats also supported bills that have that 25-mile boundary in there and let the States open that door, this doesn't do that. This doesn't produce any real new energy to solve this problem. And it sets efficiency standards for utilities that can't be met in the time frame necessary. This bill will raise almost every American's utility bill, some by as much as 100 percent in a decade, and it won't produce the energy that it purports to produce.

I think it's a shame we're bringing this rule to the floor. I will vote against the rule. I am going to be working hard to find another alternative to this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida, a member of the Committee on Rules, Ms. CASTOR.

Ms. CASTOR. I thank the distinguished chairwoman from the Rules Committee.

I rise in support of the landmark Comprehensive Energy Security and Consumer Protection Act and this rule. This represents the culmination of years of debate over energy policy. And it does contain numerous measures that have already been adopted by this body in a bipartisan fashion, but most importantly, this compromise energy bill represents fundamental change in the country's energy future and a significant break with White House policies that give little priority to ending the Nation's dependence on foreign oil.

Instead, this is the kind of comprehensive and balanced energy initiative that the American people have been calling for because it diversifies our Nation's energy portfolio and invests in new technologies and innovation. For example, we are going to make historic new investments in renewable energy through incentives for solar power and wind power that will have an additional benefit of producing thousands of new jobs across America.

We have the technology to save energy and to save consumers significant money. And this bill strengthens energy efficiency in residential and commercial buildings and promotes conservation as well. And American families could use a little cost savings right now. This energy bill also dramatically expands domestic supply and oil drilling because we realize that excessive entanglements in the Middle East do not serve our national security interests.

The contrast between the policies of the past and our forward-looking bill could not be more clear. There are real differences. Remember just 7 years ago the administration's Energy Task Force met behind closed doors. It consisted of oil company executives. And the administration fought tooth and nail to keep those meetings secret. Renewable sources of energy were not a priority, and a balanced comprehensive approach was not a priority.

So here is the question: Do the American people continue to subsidize big oil companies while they are making record profits, or do we shift our investment to cleaner, renewable fuels?

□ 1400

I know it has been difficult for some to stand up to the White House and the big oil companies. But the American people are demanding it. We must make this transition and set new innovative priorities for this country when it comes to energy. Our ground-breaking effort, our reform and our new policy set this country on a path toward energy independence, particularly from the Middle East. So today we will cast aside the policies of the past and start down a path based upon the right energy priorities for America.

I congratulate Speaker NANCY PELOSI for her leadership in crafting this compromise future-oriented bill, and I thank my colleagues and the American people for their commitment to a new energy future for America.

I urge adoption of this landmark energy bill and this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 1 minute to the ranking member of the Appropriations Committee, Mr. LEWIS of California.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I want to compliment my ranking member on the Rules Committee for a very fine statement that he made on introduction to his opposition to this rule, and I rise in opposition to the rule myself.

The folks at home have gotten the message relative to the level of competence or incompetence of the United States Congress. Polls indicate that our rates are somewhere at the 9 percent range, and there are serious doubts about our capability to effectively address major issues and in a sensible way come to conclusions that make sense for them.

As a matter of fact, Mr. Speaker, it was 82 days ago today that in the full Appropriations Committee I personally carried a substitute that would have opened the whole discussion and debate and the possibility of an up-or-down vote of drilling off our Continental Shelf. There is little question there is enough reserves if we will just tap them to assure American energy independence.

Since that time, the Appropriations Committee has closed down, literally they have done none of their work. And because of that, we find ourselves in the circumstance where today the leadership is undermining our ability to go forward towards energy independence.

Mr. Speaker, a bipartisan majority in the House has been calling for a real debate on energy issues for months now. But it was 82 days ago—during a scheduled full Appropriations Committee markup—that the real debate began.

That debate in full committee was short-lived and it ended rather abruptly; the majority leadership ordered Chairman OBEY to pull the plug on that markup when it became evident that they would lose a vote on off-shore drilling. The Appropriations Committee has not met since.

All year long, the majority leadership has abdicated its responsibility to have the Appropriations Committee proceed under regular order, largely relegating our work to the backburner. The assumption has been that BARACK OBAMA would be elected President in November. The assumption has been that the House majority would remain the House majority and that an Obama administration would be more inclined to support higher levels of spending in bills reflecting the majority's budget priorities.

Such a scenario, assumes that the House pass very few bills, pass a continuing resolution, and leave the future of the remaining bills unanswered until after the November election. But, what if JOHN MCCAIN is elected President? And what if he draws an even harder line on spending than President Bush? What then? Is the Appropriations Committee going to do nothing for the next 4 years?

Because the legitimate work of the House is now being dictated by election-year politics, it now appears that the Appropriations Committee will not meet again this year. It also appears that we will not have a chance to debate and consider a legitimate energy bill this year.

The vast majority of Americans support an energy policy that includes off-shore drilling for oil and natural gas. But the majority leadership still doesn't get it. Rather than working across party lines to develop a bipartisan bill—a consensus bill—we can all support, the House is being forced to consider a "take it or leave it" energy bill that leaves out over 80 percent of known energy reserves off our coasts.

This misguided strategy reflects decisions made at the highest levels of the majority leadership. It is especially disappointing to me because in recent years the Appropriations Committee has largely set aside partisan differences to pass all of our bills in a timely fashion. More often than not, we have been able to say, "We have fulfilled our responsibility. We have done our work." But not this year.

This year, one issue—the high price of oil and gas—has completely paralyzed the appropriations process and, indeed, the legislative process in the House of Representatives. We are now two weeks away from the beginning of the new fiscal year and what have we done? Nothing! Absolutely nothing! Instead, funding bills essential for every conceivable function of government have been put on a shelf to avoid votes on offshore drilling, on oil shale, and drilling in ANWR.

In past years, when controversial issues have come to the full committee, we took them head on.

During my service as chairman, we debated and considered raising the minimum wage, the millionaires' tax, and the Truman Commission. I was opposed to each of these amendments but felt our Members—Republicans and Democrats—deserved to have their voices heard.

Had the Interior bill been considered in full committee on June 18 as originally scheduled, the committee and the House would not be in this position today. It would have broken the logjam and enabled us to complete our work. And, it would have given Members of the House an opportunity to openly debate the most important issue facing our constituents today.

To me, preparing a long-term energy strategy is like preparing for retirement. It doesn't happen overnight but takes careful, thoughtful, long-term planning. Addressing the OCS issue is just one leg of the energy stool (along with conservation, oil shale, renewables, etc.) just as a 401(k) plan is one leg of the stool when planning for retirement. I believe we have to take the long view just as we take the long view when planning for retirement. It can't and won't happen overnight.

Republicans and Democrats alike deserve an opportunity to have a straight up or down vote on energy amendments addressing the high price of oil and gas. Again, ''all of the above'' has been replaced with ''take it or leave it.''

Mr. Speaker, I don't recognize this place anymore. Once upon a time, members of the People's House worked together to serve the best interests of our country. Now, we either march in lockstop to the whims of the majority leadership or we are left out of the legislative process altogether.

When I first came to Congress, legislation was drafted not by the Speaker of the House but by committee chairmen with jurisdiction over the issue of the day. Members of the minority party had every opportunity to participate in the debate by offering amendments. But those days are no more. Members of the minority party no longer have any rights. We are basically told to ''sit down and shut up'' because the majority leadership knows best.

This Member has had enough. And my constituents have had enough. I encourage colleagues on both sides of the aisle to join me in rejecting this irresponsible approach to governing. Let's work together and openly debate energy policy. Let's vote on a consensus bill that addresses the high price of oil and gas. Remember, our constituents are closely watching this debate. They will remember what we do when they vote on November 4.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from California, the Chair of the Committee on Natural Resources, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the Chair. Mr. Speaker, I want to thank the Rules Committee for bringing this resolution to the floor so we can debate on the energy bill and vote on the energy bill later today. And I rise in very strong support of this comprehensive, forward-looking bill that will provide relief at the pump, create good jobs in America and finally put our Nation on a path toward a clean, more independent and sustainable energy future. Surely that is something that all of us can support.

America understands the problem: Our Nation is addicted to oil. Consumers are paying record prices to heat and cool their homes and drive their cars and their trucks. Global warming is a real, serious and growing problem. Meanwhile oil companies are making more money than ever before.

That is why Democrats made energy a top priority when they took back the House and the Senate last year. We raised the fuel economy standards for the first time in 30 years, overcoming the objections of the auto industry, the oil industry, the Republicans in Congress and the White House. And we passed one bill after another to improve America's energy policy and its energy future, to expand wind, solar and other renewable energy sources, to increase the efficiency and conservation and our use of energy, to curb speculation in the oil markets so consumers would not be ripped off by the oil speculators, to release oil from the Strategic Petroleum Reserve so that small businesses, truckers and airlines would not be thrust into economic hardship and to recoup tens of billions of dollars from the oil companies that are unfairly taken from the taxpayers. All of these are thrusting America into the future with respect to its energy resources, its supply and its usage.

But every bill was opposed by a majority of the Republicans in Congress and by President Bush. This is sort of the Goldilocks of the energy debate, too much wind, not enough solar; too much solar, not enough energy; too much going after the speculators, not enough going after the oil companies; too much going after the oil companies, not enough for the energy industry. They could never get it right. And they could never support an energy bill. And they have never been able, in all the time they controlled this Congress, to move America into the future of energy, to move America into renewables, to move America into efficiency. They voted against it all. And they didn't propose it. And at the end of their decade in Congress, gas was $4 a gallon. They controlled the White House, and they controlled the Congress. At the end of their decade, gas was $4 a gallon.

So what are we able to do here today? We're able to help consumers and the taxpayers by ending the subsidies to oil companies, subsidies that President Bush said were obsolete at $50 a barrel. Well they are certainly obsolete today at $100 a barrel or $90 a barrel or $140 a barrel. But the Republicans are going to hold to those subsidies. We are going to end the royalty holiday, a holiday for oil companies where they don't have to pay royalties. Where is the holiday for consumers? Where is the holiday for the person commuting to work? Where is the holiday for the person heating their home? Not from the Republicans. They fought tooth and nail. The President fought tooth and nail to hold on to those royalty holidays.

And finally we are talking about creating jobs for Americans here at home in green industries and the renewable energies of the future, in the efficiencies of the future. That is what the American energy future looks like. And that is what this Congress is going to be able to vote on. And that is what the American people are going to get as a result, a bright, renewable, smart energy future.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the ranking member of the Energy and Commerce Committee, Mr. BARTON of Texas.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. First of all, all you need to know about this bill is the title of section 1 of the bill. This is title 1, section 1, section 101, prohibition on leasing. Prohibition on leasing. This is a pretend bill. This is a bill that has, once again, been put together in the dead of night. I was notified by my staff about 10:30 last evening that the Rules Committee was going to meet at approximately 10:45 in the evening. I'm not sure what time they did meet. We had prepared a number of amendments. We were led to believe that it might be a rule that if you had an amendment to the Rules Committee, it might be made in order. We were even led to believe there might be a Republican substitute made in order. So we were prepared for all of those, ''we'' being the Republicans on the Energy and Commerce Committee.

Of course this is a closed rule, which means there are no amendments made in order. There is a motion to recommit. It is a 260-page bill. It has over 100 titles. If this bill were to become law, which it won't, but if it were, there wouldn't be one barrel of oil developed as a consequence of this bill because of title 1, section 1. This puts a permanent moratorium in place on any area that is currently not under lease unless you comply with the very specific instructions in this bill. And amongst those are if you have an existing lease in the Gulf of Mexico that was authorized under the Deep Royalty Relief Act, I believe, of 1998, you have to go in and renegotiate that lease before you can bid on any of these new leases. This is a bad bill. It is a terrible process.

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

Mr. HASTINGS of Washington. I yield the gentleman 15 additional seconds.

Mr. BARTON of Texas. This is a terrible process, a closed system and a political sham. We should vote against the rule and then let those Democrats that wish to work with those Republicans that wish to to bring a bipartisan product to the floor that can be voted on. The day before the election in the last Congress, the price for gasoline in Texas was approximately $2 a gallon. The day Speaker PELOSI became Speaker, it was $2.33. Today it's

pushing $4. If we don't do something about energy policy, it's going to go higher, not lower.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, a member of the Committee on Energy and Commerce, Mr. GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank our Chair of the Rules Committee for yielding to me. I rise in strong support of our legislation H.R. 6899, The Comprehensive American Energy Security and Taxpayer Protection Act and this rule.

Why we identify this as a comprehensive bill is very simple. Our country needs a comprehensive legislation that deals with energy. We need everything for our country to both be energy efficient but also to be able to afford it. All sides of debate can longer insist on the ''it's my way or the highway'' approach to energy. We need all energy resources, both conventional and renewable. And everyone must be willing to sacrifice to reach that common ground.

I do not believe our bill goes far enough to address all of our domestic energy resources, especially nuclear energy. But however in every shortcoming there are positive concessions. Our legislation improves on a provision included in the original H.R. 6 by at least freezing independent oil and natural gas producers at their current section 199 manufacturing deduction rate instead of a complete repeal. Our bill modifies provisions from the flawed use of ''use it or lose it'' legislation which necessarily hammered future lease acquisitions. It retains but adds accountability to the tainted Royalty-In-Kind Program that we all read about.

It improves the management of the Strategic Petroleum Reserve with an idea offered by my good friend from Texas, NICK LAMPSON, by allowing a swap for heavy crude which could immediately lower prices for consumers.

Most dramatically, our proposal will help utilize our domestic oil and natural gas resources in the outer continental shelf. Our legislation incorporates most of the offshore drilling provision that I and other ''Energy Democrats'' first introduced in the LEASE Act by directing the immediate opening of all areas beyond 100 miles off our coasts. That is over 300 million acres of outer continental shelf that are automatically open to oil and natural gas leasing. States are given the option to opt in the additional 50 to 100 miles off their coast, an estimated 90 million acres for production.

My friends on the other side of the aisle argue that this does not open enough acreage in the Gulf of Mexico. I agree. I would like to open up the eastern Gulf of Mexico. But there was an agreement made by the Republican Congress in 2006 for Florida, and we are not going to break that agreement on the House side.

But let's not forget the fact that during the height of the Republican rule under both the Republican President and Congress, Republicans were only able to open 8.3 million acres of leasing in the Gulf of Mexico. And President Bush took 7½ years, almost 7½ years of his administrations to actually decide to take off the moratorium. So who really wants to drill?

Over 350 million acres will be open. This bill is hundreds of millions more acres that are directly opened in contrast to the Senate ''Gang of 20,'' or in the Senate Republican Leader MITCH MCCONNELL's bill, his Gas Price Reduction Act, which has the support of only 44 Republican senators. We open so many more than even the Republican leadership and the Senate wanted to, more acreage for exploration and production.

Most importantly, we use the revenues from oil and gas production to transition to a clean energy future. Our bill would create a fund to invest in renewable, clean energy efficiency, land and water conservation and LIHEAP. Mr. Speaker, I could go on and on, and I will continue as we go to the debate. This bill is a drilling bill, but it's also a future bill for comprehensive energy production.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. UPTON.

Mr. UPTON. Mr. Speaker, there is a reason why Congress is in the 9 percent favorable rating. We have not done the Nation's business. I look at former Chairman BARTON sitting in the second row here. When we did the 2005 EPACT bill, we had lots of amendments here on the House floor, in fact, 23 different Democratic amendments, some amendments to amendments. And some of them would say at the end of the day that it was, in fact, a bipartisan bill because Congress worked its will. And I would say some of them were pro-energy. Frankly, some of them were anti-energy. One offered by Ms. SOLIS was described as an amendment that sought to delete refinery revitalization provisions in the bill. Thank goodness it was defeated. The bill moved forward, and it was signed into law.

But today we have a new bill that is hundreds of pages long. We haven't had a single hearing in subcommittee or full committee. We haven't had a single markup in subcommittee or full committee. And we have a rule that means when it comes to the House floor, there are no amendments allowed at all.

The Volt is an exciting new GM vehicle that is going to be in the showroom by 2010. It needs to be plugged in. We need to have electricity to make it move.

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

Mr. HASTINGS of Washington. I yield the gentleman 15 additional seconds.

Mr. UPTON. There are no amendments in here for coal. There are no amendments for nuclear. There are no amendments to provide for drilling offshore, no incentives, no amendments for oil shale, no amendments to bring in Canadian tar sand where they are producing 1 million barrels a day. Mr. Speaker, there is no beef in this legislation. Many would say, ''Where is the beef?'' There is none. The rule needs to be rejected.

□ 1415

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY), the chairman of the Select Committee on Energy Independence and Global Warming.

Mr. MARKEY. I thank the gentlewoman.

Ladies and gentlemen, this is a very simple debate. The Republicans are very upset that the Democrats are going to take the oil companies and make them pay taxes to the American people when they drill on the land owned by the American people, and the Democrats then want to move the money over to wind and solar and plug-in hybrids for tax breaks. So the Democrats are saying that America needs an oil change. So, as Mr. GREEN just said, we open up vast new areas where the oil industry can drill, drill, drill; drill, baby, drill.

But what we put into the bill is something else as well. We put in change, baby, change. Because we only have 3 percent of the oil in the world, we have 4 percent of the population, and we consume 25 percent of the oil in the world on a daily basis. That is not a long-term recipe.

So we need an oil change. And what we need to do and what we are going to do is allow them to drill in thousands and thousands of additional acres, to go for the oil, to go drill, baby, drill, but then say we need back some of those tax breaks that you don't need at $100 a barrel, $140 a barrel, $4 a gallon at the pump. We don't need to subsidize you anymore.

The taxpayer doesn't need to be tipped upside down and have money shaken out of their pockets as taxpayers to hand over to the oil companies, because they have already been tipped upside down and had money taken out of their pockets as consumers by the oil companies.

So we just take back those tax breaks, put a little bit of a tax on where they don't pay any taxes at all, and where do we shift it over to? Ladies and gentlemen, we shift it over to wind and solar and green buildings and plug-in hybrids. We shift it over to the future. We unleash a technological revolution that will break our dependence upon imported oil.

It is change, baby, change. It is innovate, baby, innovate. These guys are a one-note organization. They have been since two oilmen went to the White House 8 years ago.

Drill, baby, drill is not a long-term strategy.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to another member of the Energy and Commerce Committee, the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, this is a sad day for America. Contrary to what my friend from Massachusetts says, there is no drill, drill, drill, no change in this bill. There is not one drop of oil in this bill. And let me explain why.

I went to the Rules Committee and said that any oil produced under this bill will be challenged in lawsuits and there won't be a drop produced. Let's put a limit on the lawsuits. The Rules Committee said absolutely no.

Why did I do that? Last year, the Bush administration issued 487 leases in the Chukchi Sea. Environmental groups sued not 484 or 485 or 486. They sued every single lease.

There are 748 leases also in Alaska in the Beaufort Sea. The environmentalists have sued all 748.

There were 12 drilling plans filed last year with the Minerals and Management Service to produce oil off of Alaska. How many were sued? All 12. The Center for Biological Diversity, the Natural Resources Defense Council, every single lease has been challenged in court. We could solve that problem with limits, reasonable limits on litigation.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. SHADEGG. But instead, the Rules Committee said absolutely no, we want no limits on litigation. Not only are there lawsuits filed by environmental groups against every existing lease in Alaska and the lower 48, they filed a lawsuit against all future oil leases.

Any American who believes this bill will produce one drop of oil is being deceived by the lawyers that will sue and sue and sue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Committees on Natural Resources and Energy and Commerce.

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

Mr. INSLEE. You know, if we were having this debate in the 1800s, someone would be arguing about need to preserve whale oil, because that was the dominant source of energy in the 1800s and they couldn't see the emerging transition to different fuels. And now we have some people in this Chamber who don't understand the transition of fuels for Americans, the only transition that has a chance of breaking our addiction to oil and truly keeping down the price of energy.

I want to show you a transition fuel that is just on the cusp. I met a man named Tony Markel. He works at the National Renewable Energy Laboratory in Golden, Colorado, two weeks ago, and he showed me this.

This is a photo-voltaic panel. It is about 400 square feet, and it is plugged into two plug-in electric hybrid cars. These are cars that run on electricity, only electricity, for about 40 miles, and if you want to go further than 40 miles, you use gasoline. This one system, a PV system, can power these two cars for essentially 40 miles, and then you use gasoline if you want to go more than 40 miles.

This bill that the Republicans hate is going to give Americans a step forward to this future, which is the only future, together with some biofuels and perhaps even some other technologies, that can break the stranglehold of the oil and gas industry over the American consumer. And it is clear to me from people at Boeing, who revolutionized commercial aircraft; from people at Microsoft, who revolutionized software, that now is a chance for Americans to revolutionize the world of new clean energy.

We know that we need innovation, not intransigence. We need invention, not insignificance. And we know we can't drill our way out of this problem. But we can, we must, and we will innovate our way to a clean energy future. This is a destiny of ours. It is a clean energy destiny.

In addition, I would like to add that Tony Markel is an employee of the National Renewable Energy Laboratory. NREL is a national laboratory that provides great data and research on energy efficiency and renewable energy; however, NREL does not generally have a position on pending legislation, nor does it have a position on this bill, H.R. 6899.

The SPEAKER pro tempore. The gentleman from Washington has 11¾ minutes remaining, and the gentlewoman from New York has 6 minutes remaining and the right to close.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, our side of the aisle is responding to three fundamental facts that have changed everything: An economic crisis, an energy crisis, and a national security crisis. Higher energy costs are bringing down our economy; energy bought from overseas is depriving us of American jobs; and foreign purchase of energy is transferring our wealth, $700 billion overseas. This is threatening our very national security.

We need a bill that has conservation, renewables, nuclear power, and, yes, American oil and American gas. That American oil and that American gas will pay for all the renewables we all want. It will help secure our Nation. It will grow our economy. And it will make sure that Americans have jobs, and our government has revenue.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, the point I want to make here is that the Republican bill, which has all of the above, sets aside $8.8 billion that would be taken from the profits of this oil leasing, and that money would be put into alternative and renewable energy. That money would go to the long-term solution, which is electric vehicles. Lithium-ion car batteries would eventually come on to the market.

But the reality is in the short-term we cannot afford to do what the Democrats want to do. In the last 2 years that they have run the Congress, they have doubled the price of gas by putting in place moratoriums, including one on oil shale development, a moratorium, by the way, that is on three States, Utah, Wyoming and Colorado. We lift that moratorium in our bill because of the reserves there. They do not.

We have a situation today where what we would do is allow offshore drilling. Gazprom, the Russian oil giant, is up in the Arctic drilling. No. They say no drilling in the Arctic. Off the coast of Florida, we watch as the Cubans drill. No, we are not going to be allowed to drill there.

They take 88 percent and take it off the table, and the other 12 percent, they say you have got to get the State to go along with. That means they just continue this moratorium. This is outrageous.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. ROYCE. I appreciate that.

Our own United States Air Force would like to try coal-to-liquid. They would like to try gasification out of coal. This is used by South Africa to make gas. That is prohibited. The Democrats won't lift their moratorium on that.

Clean coal, nothing in here for clean coal. Another prohibition brought to us by our friends on the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

Basically, what the problem here is the leadership on the Democratic side of the aisle are so focused on saving the planet that they are not going to save the United States of America when we are in this crisis over these oil prices and dependency on foreign countries.

NANCY PELOSI herself, the Speaker of the House, said, ''I want to save the planet.'' ''I want to save the planet.'' The majority leader of the Senate said, ''All fossil fuel is poison and we need to get rid of it.'' The gentleman from the Sierra Club, Carl Pope, the executive director, said, ''We are better off without cheap oil, without cheap gas.''

We are better off without cheap gas? Tell that to the people in the 11th Congressional District back in Georgia

when they are paying $4 and $5 a gallon.

The bottom line, my colleagues, is what the Democrats have done is come in here with a farce, a hoax of an energy bill, and say, okay, we know the American people, 85 percent of them want an energy bill and they want to be able to drill.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. GINGREY. I thank the gentleman.

They want this, and they want it now.

I just want to call my colleagues' attention to this Charlie Brown cartoon. This young man is Charlie Republican. This is Lucy Democrat. Lucy Democrat has teed up an energy bill that includes drilling, but when Charlie Brown goes to kick that field goal, she yanks it away. That is what the Democrat majority has done, and it is shameful, Mr. Speaker.

Ms. SLAUGHTER. I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this very misnamed bill and the rule that brings it to the floor.

First, it claims to be a comprehensive bill, yet it has nothing about nuclear energy, clean coal or increasing refinery capacity and halts much oil shale development. Second, and more importantly, it has no reforms or limitations on lawsuits by special interests environmental groups.

Radical environmental groups have successfully used lawsuits, the courts and administrative procedures to stop or drastically slow down all types of energy production and have really shut down this country economically in many, many ways. They have opposed not only drilling for oil, but also digging for any coal, cutting any trees, or, heaven forbid, any new nuclear plants. They want to go to wind power, but they oppose putting up any windmills.

I have noticed that almost all radical environmentalists come from very wealthy or very upper-income families. Perhaps they aren't hurt by high gas prices, high utility bills, higher prices for everything made out of wood and higher prices for everything. But almost all middle- and lower-income people are hurt by these higher prices.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN. The trucking and railroad industries have been hit especially hard by higher diesel fuel costs. The president of Burlington Northern and Sante Fe Railroad told me his company spent $1 billion on fuel in all of 2003, and spent over $1 billion on fuel just in the first quarter of this year. All of these costs are passed on to the consumer in the form of higher prices.

The Air Transport Association says each one penny increase in jet fuel costs the aviation industry $200 million a year. Jet fuel has gone up far more than one penny, leading to much higher fares for the hundreds of millions who fly each year.

The hoax of a bill that we consider today is not a good bill, Mr. Speaker.

□ 1430

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania, a Member of this body who has been absolutely steadfast on the proposition of expanding our energy supply, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart.

America is in a crisis for affordable, available energy. Our folks back home want us to sit down and figure out how to have available, affordable energy. Four hundred Members of Congress, including me, who have been involved in this debate for years, this morning found out there is a 290-page bill that we are going to vote on today with no amendments.

That's not the process of how to get to a solution. That's the political process. This is a political process, not a process about solving America's energy crisis.

Mr. MARKEY's just sharing with us that we are holding back wind and solar and geothermal. That's not true. There is no Member of Congress that I know of that won't fund all of those.

The Peterson-Abercrombie bill funds every renewable that's on the books for 5 years. It funds all the conservation programs that both parties have thought of, and it funds environmental cleanups. It incentivizes all the forms of energy that will help us get to where we need to be.

The Pelosi bill, unfortunately, talks with one hand of opening up drilling. On the other hand, it locks it back up because of a 50-mile setback, and then States are supposed to open it up when Members of Congress don't have the courage to, with no reward of a royalty. No State legislature is going to open up the second 50 miles and get no royalties.

America doesn't want this political rhetoric. America wants us to sit down as Republicans and Democrats. They don't want a Republican bill or a Democrat bill. They want us to sit down and discuss energy into the night, day after day, until we get it right, and we fix and provide America available, affordable energy.

Folks, we can do that. We have lots of reserves. Twenty-eight years ago we started locking up our reserves and decided not to produce energy. We caused the shortage. We caused the high prices. We are the reason the oil companies have made huge profits.

When you lock up supply, the price triples. Whoever owns it gets rich. That's how it works, folks. We need to open up supply, bring prices down and give America energy to heat their homes and drive their cars so that they can afford to pay for them.

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

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire if my friend, the distinguished Chair of the Rules Committee, has any other speakers?

Ms. SLAUGHTER. Yes, Mr. Speaker, I have one further speaker, and then I will close.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am very pleased to yield 1 minute to the Republican leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Washington for yielding and suggest to my colleagues that we are engaged in exactly what the American people are sick of, and that is political games here in Washington that are intended to be political games and to have no outcome.

Mr. Speaker, we have a bill that will be up soon. I don't know how many pages it is, because I haven't seen it yet. Of course, there is no Member of Congress who has seen this bill and no Member of Congress who has read it because it was introduced last night at 9:45. It's going to be up this afternoon, a bill that no one has seen, has been through no committee, written in the dark of night behind closed doors.

But what we do know about it is that it locks up about 88 percent of the known resources off our shores. We are the only country in the world that doesn't allow drilling on the Outer Continental Shelf, and this locks up 88 percent of it.

Is that a way to get to more energy? We have a bill that does all of the above on our side. But when you look at their bill, there is nothing about any nuclear energy in there, nothing about coal-to-liquids or coal to gas, nothing that is going to bring us, really, more American energy.

On top of all that, it has a big tax increase in it. If that isn't bad enough, we have an earmark in the bill, an earmark of $1.2 billion for the City of New York, for some railroad bonds. This is not the way the American people want us to get our jobs done. They want us to work together. They want us to listen to them, and they want us to do their will, and that's not what's happening today. If all this isn't bad enough, the rule that we are considering to allow this legislation to come to the floor doesn't even allow the minority, the Republican Members of the House, to offer a substitute, no amendments, no substitute.

Now, it was Ms. PELOSI, back when she was the minority leader, that called for this to be the most open and

fair and ethical Congress in history. She said that bills should come to the floor generally under an open rule that would allow us to offer amendments, but, no, there are no amendments allowed.

There is no substitute allowed. This is intended for one purpose and one purpose only, as this bill is coming to the floor, so that some of my colleagues in the majority, the Democrat party can say, we voted on energy. Didn't do anything. They know this bill that they are bringing has no chance of becoming law, and yet they are bringing it up under a scenario which is, frankly, unfair. There is not one Member, one Member of this Chamber, who doesn't understand that this is unfair.

This rule should be defeated. Let's go back to the drawing boards and do this right, and we can do it right in very short order and have this bill on floor yet this week.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, this is the trouble when you introduce bills to hurt somebody, to try to punish somebody. When the Democrats took over a couple of years ago, they said they had a secret plan they were going to lower gas prices. The problem was the plan was deeply rooted in punishing average Americans.

If you drive a minivan, you are bad, and you are wrong. If you use electricity at home, you are wrong. If you commute more than 40 miles to work, you are wrong. So you have developed a plan that punishes them, and we are seeing the impact of that in every community in this country.

Single moms are having a difficult time packing their kids up. They have got to be at three events, they have got to pay for child care. They have got to stop and get gas to get them there. What they said is, you are wrong. You are wrong for working that hard.

What this bill does is it says ''no'' to more than it says ''yes.'' You want to hurt somebody so bad, oil companies, Alaskans, middle-class families. You are in such a hurry to do that, you have created a bill that hurts them more.

If you go home and try to put your kids on the Internet to do their homework, it will raise their monthly bill. If you cook their food on the stove, it will raise their monthly bill. If you put food in the refrigerator, this bill will raise their monthly bill.

It does nothing to help middle-class families. This is a slap in their face.

You say no to biomass, no to coal, no to shale oil, no to nuclear because you don't like it. This bill makes it easier for China to drill off our coast than it does for American companies to produce American-made energy.

This is not an energy bill for average Americans. I am a small-town guy. I plead with you, come to small-town America, see what these provisions, these plans are doing to average Americans in the middle class. It's killing them.

Don't punish America. Unleash the resources that we have to help America.

Ms. SLAUGHTER. May I inquire if my colleague has more speakers?

Mr. HASTINGS of Washington. Mr. Speaker, I have two additional individuals, and then I am prepared to yield back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California, a Member who served here previously and who was very active on this issue, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I have been listening to this debate with much interest as I notice the anti-drillers on the other side of the aisle straining to prove that their bill actually includes real drilling.

So you listen to it, and it appears they are lip-synching their message while the special interests, environmental extremists and lawyers, are actually writing and singing their anti-energy lyrics. No, no, no, no, no, that's what we are hearing.

It just appears to me that the Democrats have brought us their 290-page bill, and they are trying to display it as their newest legislative Grammy winner. What it really is is nothing more than their newest version of Drilli Vanilli.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. I appreciate this opportunity.

Mr. Speaker, unfortunately an amendment that I proposed was shut out by the Democratic majority regarding renewal energy projects on public lands.

As you know, Nevada is on the forefront of a renewable energy. We have the third largest solar facility in the world in my district.

I have made some suggestions, so I have had to drop my own bill, since the leadership would not allow this to be heard, to ensure that when leasing or buying Federal lands, developers of renewable energy shall be able to lease or buy the property at existing fair market value.

It would expedite the process. We want to make sure if there is a solar or geothermal facility or wind or, whatever alternative energy, it is an expedited process.

It would direct the Secretary of the Interior to expedite these applications for renewable energy; direct the Secretary to also prioritize Federal land across the country, which could be used for renewable energy projects, and by local governments. It directs the Secretary to identify all Federal lands around the country that are suitable and feasible for alternative projects.

It's unfortunate this would not be heard by the majority party. This is something that is important to move this process along.

Mr. Speaker, Congress needs to act now to encourage the development of renewable resources on Federal lands, but as always bureaucracy and red tape are interfering with the process.

I am proud to introduce legislation that will remove regulatory and bureaucratic delays that are impeding the development of renewable energy projects on available Federal lands in resource rich states like my home state of Nevada.

According to the Department of Interior, there are currently 210 solar energy applications pending with the Bureau of Land Management (BLM) and 217 applications pending with the BLM for wind energy projects.

My legislation would help alleviate the bureaucratic hurdles and delays and streamline the application process needed to move renewable energy projects forward as we seek to address the current energy crisis.

My legislation will also:

Ensure that when leasing or buying Federal lands, developers of renewable energy projects shall be able to lease or buy the public land at the existing value fair market value, not the price of the land once the plant is built and improvements are made;

Expedite an efficient process for the submission and consideration of renewable energy projects;

Direct the Secretary of Interior to expedite all those applications for renewable energy projects currently in the logjam of bureaucratic delays;

Direct the Secretary to prioritize Federal land transfers for renewable energy projects to local governments; and

Direct the Secretary to identify all Federal lands around the country that are suitable and feasible for alternative energy projects.

A brief reminder of why renewable energy development is important to the Nation:

The economic impact of new renewable energy projects is immense—hundreds of thousands of jobs to develop and operate these power plants, bringing new tax dollars into rural communities, where unemployment is high and a boost to the local economies are sorely needed.

Renewable power plants reduce the Nation's dependence on fossil fuels and imports, enhancing our national security, improving our balance of payments, and stimulating our economy.

Renewable power plants improve our environment, reducing greenhouse gases and clearing our air.

I urge my colleagues to support this legislation,

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon, a member of the Committees on Natural Resources and Transportation, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentlelady for yielding.

If you listen to the Republicans here today, you would think that Detroit can't make more efficient automobiles, something the Republicans blocked for 12 years, which we did within the first year of taking back power here in the House.

They are saying that our electric generators can't produce 15 percent, one-sixth of their energy from renewable resources. In the United States of America in the 21st century, we can't get 15 percent from renewables? We have to rely on fossil fuels?

Do you believe that they say that the oil companies can't afford to pay the American taxpayers fair royalties for the nonrenewable resources they are extracting from our Federal land? If you do believe all that, then you probably believe that they do have a plan for independence and energy sustainability for the future.

Now the gentleman there spoke earlier, the gentleman from Washington, a good friend, about a fig leaf hiding an embarrassing fact or problem. There is one huge fig leaf over this debate today, and here is what is under the fig leaf: George Bush, holding hands with the King of Saudi Arabia.

Now the Bush administration, last time I checked, same party affiliation as that side of the aisle, the Republicans, led by Vice President CHENEY, last time I checked, a member of the Grand Old Oil Party, wrote an energy bill in secret. They pushed for it for 5 years.

When the Republicans controlled everything, the House, the Senate and the White House, they jammed through their energy bill over the objections of many on our side of the aisle who said wait, no, this isn't a forward-looking energy policy. It's going to make us actually more dependent on imported oil, and it's going to make us more dependent on fossil fuels, and it's not going to give us a new energy future that the American people need. It's not going to make us more efficient, more sustainable and more affordable.

Now they are trying to hide that fig leaf. Now they have also talked about the price per gallon, that when Speaker PELOSI became Speaker almost 2 years ago, there has been a big run-up in prices.

Whoops. Here is when George Bush took office. Gas was about $1.45 a gallon; today, bumping back up, over $4 in some hurricane areas.

Now there is something else that goes along with that that they don't want to talk about, and this is what's really going on here, folks.

□ 1445

They want to talk about relief for American consumers. They don't give a fig leaf about relief for American consumers.

This is what the debate is all about. Look at the obscene growth in profits of the oil industry since the oil men in the White House, George Bush and DICK CHENEY, took over; from $30 billion a year to $160 billion this year, every penny of that extracted from the pockets of American consumers and American business. An unbelievable, unprecedented breath-taking run-up in profits.

And they say now they are concerned and want a change. They don't really want a change. They don't want this to change. They want us to continue to be dependent on oil and foreign oil and, yeah, maybe a smidgeon more of domestic oil.

Now they have a few other whoppers out there today. They say no drilling in Alaska. Whoops, sorry, wrong, guys. Actually, this bill would push the industry to get off its rear and begin to extract oil from the former Naval Petroleum Reserve, renamed the National Petroleum Reserve Alaska by the Republican Congress and put out for leasing. It has been leased. Bill Clinton, in fact, did the first leases. But guess what, 10 years later not a drop of oil, even though the known reserves, and why was it the Naval Petroleum Reserve for 80 years, because we knew there was a pile of oil under there, a huge pool of oil under there, more than 10 billion barrels.

No one knows if there is any oil under the Alaskan National Wildlife Refuge, but they want to talk about the refuge. They don't want to talk about the fact that their friends in the hugely profitable oil industry have failed to extract any oil from the known 10 billion barrels of reserves in the Naval Petroleum Reserve Alaska.

This bill would push for production there, push them to connect it to the existing pipeline, and push them to bring that oil down to the lower 48.

As Members on my side said earlier, we need a transitional fuel. We need to enhance our oil supply; this bill would do that. We also need to go after natural gas in a much more robust way, a cleaner fuel, a fuel of which we have significantly more reserves here in the United States of America which we don't need to import if we develop those reserves. This bill would do that.

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

Ms. SLAUGHTER. Let me give the gentleman an additional 30 seconds.

Mr. DEFAZIO. This bill would also reform royalties. It would end the party. The Minerals Management Service under the Bush administration was swapping oil or something for royalties, or maybe it was sex, drugs and rock and roll. This bill would reform that process.

This bill would bring back integrity, fiscal responsibility, and give us a sustainable, renewable and cleaner energy future. Vote for a new future, not the same old Big Oil, Grand Oil Party plan.

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

The SPEAKER pro tempore. The gentleman is recognized for 30 seconds.

Mr. HASTINGS of Washington. Mr. Speaker, my plea to those Democrats who proclaim their support for more drilling and making America more energy independent, I urge you to vote ''no'' against this sham bill by voting ''no'' on the previous question. By defeating the previous question, I will move to amend the rule to make in order H.R. 6566, the American Energy Act.

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, once again I urge my colleagues to vote ''no'' on the previous question because that means we will have a vote on both their bill and our bill.

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

Ms. SLAUGHTER. Mr. Speaker, this whole debate boils down to one issue today: whose side are you on? Which side are you on, the side of the persons who sent you here, your constituents and the businesses that you represent, or are you on the side of the oil companies? I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1433 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike all after the resolved clause and add the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) an amendment in the nature of a substitute consisting of the text of H.R. 6566, the American Energy Act, as introduced, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 3 hours equally divided and controlled by the

proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6842, NATIONAL CAPITAL SECURITY AND SAFETY ACT

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1434

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against that amendment are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6842 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1434.

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

There was no objection.

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

Mr. Speaker, H. Res. 1434 provides for the consideration of H.R. 6842, the National Capital Security and Safety Act, under a structured rule. The rule provides 1 hour of general debate controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the amendment in the nature of a substitute printed in the report if offered by Representative CHILDERS. That amendment is debatable for 1 hour. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I stand before this House as a supporter of the second amendment, but also as a strong supporter of sensible gun safety legislation. I also stand here as a strong supporter of the elected Government of the District of Columbia, and I respect their right to enact and execute their own laws.

Apparently, and unfortunately, not all of my colleagues agree. They believe that Members of Congress from other States have the right to dictate matters that are best left to local governments.

On June 26, 2008, by a 5–4 decision in the Heller case, the Supreme Court upheld a ruling of the Federal Appeals Court which found the District's ban on handgun possession to be unconstitutional. It is important to note that the court stipulated that this right is not unlimited; they reaffirmed that ''any gun, anywhere'' is not constitutionally protected.

In response to the ruling, the D.C. City Council passed, and the mayor signed, emergency legislation to temporarily allow District residents to

have pistols in their homes. The council will continue their work this week by making those changes permanent.

Mr. Speaker, the elected D.C. City Council and the elected mayor are committed to complying with the Heller decision. The plaintiff in the case, Dick Heller, was quickly allowed to keep a gun in his home.

But that is not good enough for my friends on the other side of this debate. They believe it is not good enough for the D.C. Government to comply with the court's ruling. They believe they can take this opportunity to shove the agenda of a single special interest, the gun lobby, down the throats of the citizens of the District of Columbia.

Mr. Speaker, it is beyond insulting; it is arrogant. I ask my friends on the other side, how would they like it if Congress enacted laws that took away local control in their own communities? Maybe Congress should decide whether the ''Adventures of Huckleberry Finn'' can be assigned in the Dallas County schools. Maybe Congress should decide whether a new Wal-Mart can be built in Tupelo, Mississippi. Maybe Congress should decide how many firefighters the Macon, Georgia Fire Department should have.

I promise you, Mr. Speaker, that if we tried to bring any of those things to the House floor, my friends on the other side of the aisle would be down here screaming about big government and local control. But when it comes to doing the bidding of the gun lobby, they have decided that Congress knows best.

It is bad enough that the citizens of the District of Columbia have to endure taxation without representation every single day. And it is bad enough that even though soldiers from the District of Columbia can fight and die wearing the uniform of the United States, they do not have the right to a full vote in the United States Congress.

We should be strengthening the District's right to govern itself, not trouncing on it. For years, Congress treated the District of Columbia as its little fiefdom. The amendment made in order under this rule would take us back to those bad old days.

Again, the purpose of the underlying bipartisan legislation before us today is to require that the D.C. Government comply with the Heller decision within 180 days. There is simply no need, there is no justification for this Congress to go beyond the Heller decision and impose sweeping changes to the self-governance of D.C. But that is exactly what the Heller amendment would do, easing access to guns, eliminating gun registration, and making D.C. law enforcement's job to protect its residents and the visitors that come here that much harder.

□ 1500

This will, in no way, make our Nation's capital a safer place.

Mr. Speaker, I want to thank Congresswoman HOLMES NORTON for her steadfast representation of the District, and for bringing H.R. 6842 to the floor today. I urge my colleagues to support her legislation and to vote ''no'' on the Childers amendment, and I look forward to the debate today.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, as you might guess, I rise in opposition to this rule, to the underlying legislation, and, I believe, to the entire process that got this bill here today, which I believe represents little more than an opportunity for this Democratic majority to thumb its nose at the Supreme Court's recent ruling upholding an individual's right to keep and bear arms, while also providing some of its vulnerable Members with a meaningless political cover vote leading up to this fall's election.

Since taking control of this House almost 2 years ago, Mr. Speaker, this Democrat majority has done everything in its power to prevent Republicans who agree with the Supreme Court that residents of the District of Columbia have the right to self-defense, like every other American citizen, having a vote on this issue, is very important. In fact, last year it was the Democrats' need to prevent a vote on this very issue that brought the debate on providing the District of Columbia with a voting Member of Congress to a screeching halt.

Today, however, the Democrat majority has been forced to bring this measure to the floor because of a rapidly growing bipartisan support for a competing measure to comply with the Supreme Court's affirmation of D.C. residents' constitutional rights. Isn't it amazing? The District of Columbia went to court and found out that they had to follow constitutional rights.

And there's also a fear by the Democrat majority that a discharge petition that has already won the support of 166 Members of Congress, the passage of which the Washington Post has recently said would be ''deeply embarrassing to the House leadership and could infrastructure the party's House contingent.''

Mr. Speaker, instead of providing real, meaningful policy solutions to make the lives of law-abiding citizens of the District of Columbia safer, today we are taking up a measure that would continue to subvert the wishes of our Founding Fathers, as recognized and affirmed by the Supreme Court, while also allowing Members to have a vote on an excellent substitute amendment which I fear will be dead on arrival when it reaches the Democrat-controlled Senate.

This substitute amendment, which I strongly support and have cosponsored, along with 115 other bipartisan colleagues, would recognize that D.C.'s ban on handgun possession in the home violates the second amendment, as does the District of Columbia's prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.

To correct this injustice, the substitute amendment would repeal the District's illogical ban on the most popular home and self-defense weapons, restore the right of self-defense in the home, repeal the District's intentionally burdensome registration process, and allow D.C. residents to finally purchase handguns and defend themselves in their own homes.

Mr. Speaker, I understand that as early as today, that the D.C. City Council may be meeting to address this issue. But I remain concerned about what the same authors of the so-called ''emergency'' legislation that violated the Supreme Court's ruling just a few months ago, may try to pass in order to continue to drag their feet and to deny D.C. residents their constitutional rights to protect themselves and their families in their own home. This Congress should not be on record trying to avoid what is the law of the land.

Because of the Council's demonstrated past willingness to abide by our Nation's laws, I believe that it is important that this House pass the substitute amendment on behalf of all law-abiding citizens who want to exercise their constitutional rights within the District of Columbia.

Additionally, as the administration notes in their statement of policy on this legislation, the underlying bill in its current form would do nothing more than direct the D.C. City Council to reconsider within 180 days the emergency firearms legislation it passed in July, and which will expire in October, regardless of this House's action on this matter. This means that if this legislation is passed without the substitute amendment provided for by this rule, the legislation's only effect would be to give the City Council even more time to drag its feet and remain noncompliant with the directives of the highest court in our land.

Mr. Speaker, it really should not be so difficult to write a law that is compliant with the Constitution.

Mr. Speaker, I would like to submit this Statement of Administration Policy in opposition to this bill and in support of the substitute amendment in the CONGRESSIONAL RECORD.

STATEMENT OF ADMINISTRATION POLICY

H.R. 6842—NATIONAL CAPITAL SECURITY AND SAFETY ACT

(Del. Norton (D) District of Columbia and Rep. Waxman (D) California)

The Administration supports the objective behind H.R. 6842 of revising the District of Columbia's firearms laws to ensure their conformity with the Second Amendment as interpreted by the Supreme Court in District of Columbia v. Heller. The bill in its present form, however, would do nothing more than direct the District's City Council to reconsider the emergency firearms legislation that it unanimously passed in July. Because that emergency legislation must by law expire in October, H.R. 6842 simply requires the Council to do what it is effectively required to do already (in far less time than the 180 days that would be required by this bill). Therefore, the Administration strongly opposes this legislation unless it is amended to include the provisions of H.R. 6691, the Second Amendment Enforcement Act.

The Administration strongly supports H.R. 6691 because it would immediately advance Second Amendment principles by directly protecting the individual right of law-abiding District residents to keep and bear commonly used firearms not only to protect themselves and their families but also to protect their homes and property. H.R. 6691 would ensure that law-abiding residents of the District have a meaningful opportunity to procure lawful firearms without undue delay, as well as the ability to keep those firearms readily accessible for self-defense without having to unlock or assemble them in the face of imminent danger. H.R. 6691, which has bipartisan support, would responsibly balance individual rights with the public safety by expanding the practical opportunities to keep and bear arms for lawful purposes in the District within the reasonable limits imposed by the Federal firearms laws.

Mr. Speaker, I encourage all my colleagues to support the substitute amendment to hold D.C. accountable to the Supreme Court, to the laws of this land, and to provide its residents with all the constitutional rights enjoyed by other American citizens, and to oppose the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, this debate is nuts. The Childers amendment, among other things, would allow stockpiling of military-style weapons with high capacity ammunition magazines. It would undermine Federal anti-gun trafficking laws. It would prohibit D.C. from enacting commonsense gun laws. It would repeal commonsense restrictions on gun possession by dangerous unqualified persons. It repeals all age limits for the possession and carrying of long guns, including assault rifles. It allows gun possession by many persons who have committed violent or drug-related misdemeanor crimes. It allows many persons who are dangerously mentally ill to obtain firearms. It repeals registration requirements for firearms. It repeals all safe storage laws.

Mr. Speaker, it is my view that, if, in fact, we enacted the Childers amendment, that we would create a situation where we put more people in danger.

This is not about security for the citizens of D.C. This, quite frankly, is about insecurity. What this amendment is is one big fat wet kiss to the National Rifle Association.

At this point, Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding. I very much appreciate that the Rules Committee, under the gentleman, has made the Waxman-Norton Home Rule bill in order, and particularly Chairman WAXMAN for affording a hearing which exposed the dangers of this bill, so much so that the NRA was driven back to the drawing board to change at least some of it. Unfortunately, they've left a very dangerous bill anyway.

Our Home Rule bill says 180 days after the Heller decision, the District must respond, and, of course, within two weeks it had responded. Council was about to go out of town; could have gone out of town and waited until the Council reconvened today, but it allowed registration to occur by passing a stopgap measure. It didn't change much because there was no time for hearings. But Heller himself, Dick Heller, has registered under that bill.

They are voting, ironically, as I speak, on a permanent bill that I think every Second Amendment advocate would support because it more than meets the Heller decision.

Mr. Speaker, I understand the very painful dilemma that the Democratic leadership and our own caucus has been put in. 5 days after commemorating 9/11, Democrats were met in a dark alley with a ''do or die'' demand from the NRA pointing a proverbial gun at their re-election. This puts many Democrats in a terrible position.

For example, Speaker PELOSI and Majority Leader HOYER have spent their careers protecting the Federal presence. They have spent their careers supporting home rule and voting against bills just like the substitute amendment which has been made in order.

It is this substitute amendment which has dismayed and, I must tell you, even angered many in this House, because what the rule gives with one hand, it takes back with another.

Some people are dismayed because they are gun safety advocates, and we haven't been able to get a new assault weapon bill passed through the House.

Some people are dismayed because it is the energy bill they want to continue to talk about and other national business, and now they're talking about a local council issue.

Some are dismayed because they've always supported home rule. And some are dismayed because this is a bill that threatens, in the worst way, the Federal presence. We're putting not just the District at risk. That's par for the course. We're putting the entire Federal presence, every Federal official, every dignitary, from the President of the United States to Federal employees working in cabinet agencies, every man, woman and child who works, visits or lives in the District of Columbia, is put at risk by a bill that the NRA has insisted come to the floor.

We have before us, if this bill passes, one of the most permissive gun laws in the country. Post-9/11, the United States House of Representatives would be passing a bill, should this rule survive, that arms an entirely new set of people that most jurisdictions would prefer not to have guns at all, children. No age limit, for example. People just released from a mental institution, like John Hinckley, that is people who are voluntarily committed and then released, people convicted of very serious crimes, all could get a gun because of the NRA bill. Why?

The Waxman-Norton bill passed 21–1 because there wasn't any reason to vote against it and because people didn't want to be seen voting against such a bill.

So why the substitute?

The short answer, Mr. Speaker, is because the NRA says so. It's a short answer. It's a long answer. It's the only answer. NRA has proudly announced to every reporter in town that they wrote the bill, that they told the Members what to do, and that's why the bill is coming to the floor. They have used a combination of campaign funds and, frankly, terror in the hearts of some Democrats at least about their own re-election. Who knows if the NRA will succeed, but people are afraid.

The public lie that's being pandered here is that the NRA bill was necessary because the District isn't complying and won't comply. Never mind that if D.C. didn't comply Congress could overturn District law because Congress can overturn any law the Council passes. But D.C. has already begun to comply. They put in a stopgap measure. Heller is, in fact, registered. They did that as they were going out of town.

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

Mr. MCGOVERN. I yield the gentlewoman another 2 minutes.

Ms. NORTON. As we're speaking, the Council is voting on permanent legislation that no gun supporter could oppose. It puts no limit on the number of guns you could have in your homes. It allows unlocked semi-automatic firearms in the home, and it uses other measures to protect District residents and to protect the Federal presence, such as restrictions, for example, on the age when a child can get a gun.

But Members are being asked to cast a dangerous vote on a dangerous rule, followed by a vote on a dangerous bill that not only has no public purpose, but flies in the face of the overriding public purpose of the Congress of the United States since 9/11, and of the current administration, to protect the country beginning with protecting the Nation's Capital.

You didn't hear it from me. You heard it from the Capitol Police if you were at the hearing. You heard it from the Park Police which has jurisdiction throughout the region. You heard it. These are the Federal police that have enforcement authority. And you heard it from the head of the D.C. Police Department, the largest Police Department in the region, the woman who set up the Department's Homeland Security section, which put her in daily touch with the top Federal security network.

I have no idea, Mr. Speaker, what will happen if this matter passes this session. I know what I will do. But even if the danger penetrates here or in the Senate, let me give you fair warning, your districts are going to hear about what you do today. This has been blown up into a national matter because you are threatening the safety of the entire Federal presence and every

dignitary and every Federal employee here.

No Member of Congress who regards herself or himself as responsible Members should want their name attached in the 110th Congress to this bill, not to the attached bill. I ask you to consider that before you go home and try to explain why you endangered the President of the United States and visitors to Washington like themselves.

□ 1515

Mr. SESSIONS. Mr. Speaker, you know, I find it very interesting that the gentleman from Massachusetts talks about ''those Republicans that have forced us into having to bring this bill to the floor today.''

Mr. MCGOVERN. Will the gentleman yield?

Mr. SESSIONS. I will yield.

Mr. MCGOVERN. I didn't accuse the Republicans of forcing. I said ''those on the other side of this debate.''

Mr. SESSIONS. I appreciate the gentleman clarifying that.

Reclaiming my time, the gentleman accused those who are on the other side of the debate of forcing this issue today.

Well, Mr. Speaker, this is an internal struggle within the Democratic Party. The gentleman who brought the bill to the floor today chaired the Rules Committee last night. I heard no voice opposition to the rule, to the substitute; and yet today we hear they were being forced into doing this by the other side, those who opposed the bill. But it's their bill. It's their internal fight. It's their internal disagreement. It's their argument that they're having among their own family members.

So for the record, let me just state the Republican Party is for following the law. We do believe the Supreme Court got it right. We believe that it is wrong to bring a bill to the floor as the majority party, the Democratic Party, has done to try and circumvent and lengthen out the time that was given by the Supreme Court for someone to come into compliance with the law.

And we do believe that what the Rules Committee did last night was not open and honest and not about more accountability. We believe what they did was to handle a political matter that is a fight that they're having among themselves.

The Republican Party is pleased to be here on behalf of taxpayers and law-abiding citizens who want to protect themselves. We believe that this substitute amendment, which has been made in order by the Rules Committee, is the better of the two bills.

But to say that somebody is struggling or some outside forces are forcing this bill upon this Democrat majority is absurd.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Georgia and my former colleague on the Rules Committee, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

I rise very forcibly in favor of this bill. I think that it is a good rule and a good underlying bill, and I'm proud to support it.

I agree with my colleague, my former colleague on the Rules Committee, the gentleman from Texas, when he says that this is an internal struggle within the Democratic majority, within the Democratic Party over this piece of legislation just as I think, Mr. Speaker, that they're engaged in an internal struggle over the issue of whether or not to allow drilling on the Outer Continental Shelf for both oil and natural gas and to utilize our own resources to bring down the price of energy and the price at the pump to the American people who are suffering so badly.

In that particular legislation, of course, the leadership is in favor of, Mr. Speaker, of saving the planet. The leadership of the Senate is in favor of getting rid of all fossil fuels, which he characterizes as poison; the leader of Sierra Club says it would be a good thing if we had to pay $10 and $12 a gallon for gasoline at the pump. That's the leadership.

But there are many, Mr. Speaker, in the Democratic majority rank and file, if you will, the Blue Dog Coalition, they're struggling. They're struggling very badly with that type of policy. And I think they would feel just as we do on this side of the aisle that in these dire economic times, it's time to save not the planet, but to save the United States of America.

Mr. Speaker, I rise, as I say, in strong support of the amendment in the nature of a substitute the Rules Committee has made in order for this legislation. The right of an individual to keep and bear arms is one of the most basic rights provided to all Americans by our Bill of Rights.

On June 26, 2008, the Supreme Court reaffirmed that very right for the residents of the Nation's capital in its ruling on the case of the District of Columbia v. Heller. The Court's 5–4 decision rightfully deemed the long-standing ban on handguns in the homes of law-abiding citizens in the District of Columbia to be unconstitutional.

Mr. Speaker, in theory, the result of this ruling should have simply allowed Washington, DC, residents to have the same second amendment rights as the rest of this country. Unfortunately though, the D.C. City Council chose to ignore the will of the Supreme Court by passing an ordinance that continues to infringe upon the rights of individuals constitutionally protected.

The strongly bipartisan amendment in the nature of a substitute for H.R. 6842 properly addresses the underlying issue to enforce the will of the Supreme Court. It does so by repealing the District of Columbia's current ban on semi-automatic pistols, which are the most commonly owned handguns in this country. It also repeals the needless requirement that a lawful firearm in the home must be either disassembled or bound by a trigger lock; these provisions undermining an individual's ability to provide for their own self-defense and the self-defense of their family and their children.

Currently, there are no registered firearms dealers within the District of Columbia, so the amendment made in order will waive Federal law for D.C. residents and simply allow them to lawfully purchase a handgun either in the State of Virginia or in the State of Maryland.

Mr. Speaker, it's imperative that we fully enforce the Supreme Court's rule and restore second amendment rights to residents of our Nation's capital. I strongly support the amendment in the nature of a substitute. I urge all of my colleagues to support this amendment and, if it is adopted, the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from New York, the Chair of the Appropriations Subcommittee on Financial Services and General Government, which oversees the District of Columbia, Mr. SERRANO.

Mr. SERRANO. Mr. Speaker, I rise in support of the rule that would allow the Norton bill and in strong opposition to the amendment that treats the District of Columbia as a colony.

I have said many times that Congress needs to stop imposing its will on the residents of the District of Columbia. As chairman of the subcommittee that overseas the District, I have made non-interference in District affairs a priority of my oversight. D.C. does not need a second mayor and does not need a second city council, although there are Members here today who seem interested in serving for both.

The amendment to Delegate NORTON's bill is particularly offensive. Under the cover of forcing D.C. to comply with the Supreme Court ruling, it instead guts D.C.'s ability to protect its citizens from unnecessary violence.

I sincerely believe that supporters of this amendment are seeking to impose on D.C. that which they would never impose on their own communities simply because D.C. is under their control and they're not accountable to D.C. residents. What the heck, it's the District of Columbia; use it as a testing ground for anything you can't do back home.

One of the most unpleasant features of our current democracy is the fact that many millions of U.S. citizens in the District, Puerto Rico, and other territories do not have fair and equal representation here in Congress but instead are left to the subject of the whims of a Congress elected by citizens.

D.C. is a jurisdiction that does not need constant congressional meddling in local affairs. Their gun laws are no exception. They know best how to keep their citizens and residents like us safe from the threat of deadly gun violence.

The Supreme Court asked them to modify their laws to comply with the Constitution. The District is doing so

in a responsible manner. In fact, today they are meeting to consider amendments to bring their firearm laws in compliance with the Supreme Court ruling. The underlying Norton bill would ensure that they continue to do so.

Unfortunately, this amendment would tie the hands of city officials to impose even the most basic reasonable safety measures and goes far beyond what the Supreme Court has required. It would, for instance, prohibit gun registration, prohibit any ban on purchasing in another State and bringing the gun to D.C., remove a clip limit—now, are you ready for this one—prohibit the D.C. Government from discouraging gun purchase and ownership.

In other words, you can tell people not to drink and drive; you can tell them to practice safe sex; you can tell them not to drop out of school; but you can't tell them that it's not a good idea to buy a gun.

This is, my friends, congressional colonialism at its worst. Our rule is not to override and interfere with local compliance with Supreme Court rulings. The citizens and residents of D.C. deserve our respect. This amendment fails that basic test.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 6 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished gentleman from Texas for his leadership and for yielding this time.

And I rise to oppose this rule. I support the Childers amendment in the form of a substitute. I am left to wonder, as I'm sure any of our countrymen looking in are wondering why, after only learning of the Democrat's energy bill last night at 9:45 on the House, we have taken some sort of a timeout from a contentious, and I thought, substantive debate on the Democrat energy bill that will be brought up, I assume, within an hour.

The Supreme Court of the United States has already ruled on this issue. I understand there is some disagreement in the Democrat majority over how it's to be handled from a funding standpoint, but what I don't understand is the timing.

Mr. Speaker, to be honest with you, I look across this aisle, I see men and women that I respect deeply and with whom I have worked on issues, sometimes in nontraditional ways. And so I would not accuse my colleagues that are here on the floor doing their duty of any ill motive. But I have to wonder about a Democrat majority that introduces this discussion about gun control on the one and only day that they are going to permit us to debate their energy bill.

And I think the American people are entitled to know, Mr. Speaker, the Democrat Party in the Congress, after spending the last 20 months telling their constituency and the American people that there would never be a vote allowed on this floor that would permit more domestic drilling, abruptly announced last week that they were going to bring an energy bill to the floor with drilling.

Now for those of us who have been clamoring for a comprehensive energy bill that included more drilling, more conservation, more fuel efficiency, solar, wind, nuclear, this was welcome news. And imagine how anxious we were late last week to wait for the Democrat bill to be filed, assuming we would have the weekend to examine it.

And as we waited throughout the first day of the week yesterday, it wasn't until 9:45 last night that a 290-page bill was filed on this floor. And we found that the drill-nothing Congress has introduced legislation that is essentially a drill-almost-nothing bill; and I want to speak about that in the very limited time that we have.

So while I oppose the rule, I want to speak about what is bearing upon the American people, bearing upon American families and school systems and seniors, and that is the unbridled and unprecedented weight of the cost of energy in America.

As Wall Street reels from another financial crisis, as we hear unemployment numbers that are heartbreaking to real working Americans, most Americans know the high cost of energy is costing American jobs.

And so on the one day that the Democrat majority will allow us to debate their comprehensive strategy for energy independence, I want to speak about what the substance of that bill is.

Now, as I said, the drill-nothing Democrat Congress announced they were going to bring this energy bill to the floor. It includes more drilling, and now many of them have said in many corners of the national media that Republicans have to take ''yes'' for an answer. Well, I would suggest to my countrymen, before you sign a contract, read the fine print.

□ 1530

The fine print of this contract is profoundly disappointing to those of us that were looking to give the bipartisan majority of this Congress that supports a comprehensive energy strategy, that includes a real access to America's domestic reserves, a fair up-or-down vote.

The drill-nothing Democratic Congress is essentially, as I said, a basically drill-almost-nothing. Here's some examples. They say ''yes'' to drilling in their bill but not in Alaska, not in the eastern gulf and not within 50 miles of our country.

They say ''yes'' to drilling in the bill, but they say States can decide on whether we drill off their coasts, but we will give the States no revenues whatsoever for allowing us to drill. The Governor of a coastal State was on the floor of the Congress today. When I said, ''What's the likelihood that your State will permit drilling if we offer your State legislature no revenues from the drilling in your waters?'' And he only laughed out loud.

I assume that the Democrat majority, in saying that unlike the Gulf States that get some 39 percent of the revenues that are drilled in their waters under existing agreements, I assume the Democrat majority believes that States will opt in to drilling out of the goodness of their hearts, out of their patriotism. Maybe not.

They say ''yes'' to drilling, but the lack of litigation reform will allow environmental lawyers to swarm over any new leases, even those that are permitted more than 50 miles out, and they'll be tied up in court for years before a single drop is pumped.

In their legislation, there's a renewable mandate that literally could cause electrical rates between now and 2012 to skyrocket on working Americans. There's no commitment to increasing our refinery capacity. There's huge tax increases on oil companies. As I've asked before to my citizens in Indiana, ''Who among you thinks by raising taxes on oil companies you're going to lower the price of gasoline at the pump?'' That's usually a laugh out loud moment in town hall meetings. That's what passes for the Democrat bill.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. PENCE. I thank the gentleman for yielding.

I say to my Democrat colleagues, many of whom I respect deeply and with whom I work on a broad range of issues, on behalf of our constituents that are struggling under the weight of record gasoline prices, don't do this. Don't do it this way. This Congress is better than that.

We have a bipartisan majority in this Congress, including some men and women that I am looking at right now, who, if given the opportunity, would come together in a bipartisan way and pass legislation that said ''yes'' to more real drilling, but also ''yes'' to conservation, ''yes'' to fuel efficiency, ''yes'' to solar and wind and nuclear. But we can't say ''yes'' with a backroom deal brought to the floor of the Congress, given one day of debate, no amendments, and jammed through the American people.

Let's end the charade. Let's stop playing politics with American energy independence. Let this Congress work its will, and we will come together on a strategy that works for all of our Nation.

Mr. MCGOVERN. Mr. Speaker, first I want to thank the gentleman from Indiana for his interesting speech on drilling. I have to tell him it hasn't convinced me to support the Childers amendment on guns. Maybe he's implying that more guns on the street means cheaper gas prices, but I don't think he even believes that.

At this point, I would like to yield 1 minute to the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. Mr. Speaker, I rise today in support of the rule to H.R. 6842, the National Security and Safety Act. I was pleased the Rules Committee made in order my amendment in the nature of a substitute, which is directly in line with H.R. 6691, the Second Amendment Enforcement Act.

My sole intention with my amendment is to make clear law-abiding citizens in the District of Columbia are afforded self-protection rights within their homes. I do not seek to circumvent or take away any power from the District of Columbia. However, I do believe we should respect, even if we disagree with, the opinions of the Supreme Court.

I look forward to debating my substitute amendment in the near future, and I welcome the thoughts and concerns of my fellow colleagues in the House of Representatives.

Mr. SESSIONS. Mr. Speaker, at this time, I'd like to yield 5 minutes to the chairman of the Republican Policy Committee, the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, I rise to oppose the rule, and like our previous speaker from Indiana (Mr. PENCE), I do support the Childers amendment in the nature of a substitute. But I, too, find it ironic that we are discussing this today when we have so little time to discuss America's future energy security and energy independence.

Earlier today we've heard that we will be confronting landmark legislation. I concur with this assessment. Unfortunately, it will not be a landmark energy policy. It is going to be a landmark in political cynicism.

We've heard much about a compromise being struck. Yet as a member of a party that has not been consulted on this legislation, let alone involved in a free, open, and transparent process, we are left but to assume there's a compromise amongst the Speaker herself, potentially radical special interest groups, and maybe members of her own caucus that were privileged to be a part of its drafting behind closed doors.

Then what do we celebrate, as we've heard the word ''celebrate'' this landmark legislation so much? What do we celebrate? Do we celebrate the end of the House as a free, open, transparent institution where the voices of the American people are expressed through their servants in this Congress, to have an influence on legislation, to have an impact on legislation? Or do we actually, more, commemorate the loss of an individual's ability to serve as legislators rather than as radical rubber stamps for legislation placed under their noses?

What does this legislation do? Well, it increases a lot of things. It increases utility prices. It increases gas prices, increases taxes, increases everything but energy. And as we know, this is not what the American people demand. It is not what the American people deserve.

So we ask ourselves why. Well, there are two reasons. The first reason comes to us out of the curious visage that we have before us as Members, who in the past would not vote to drill a tooth, now embracing oil derricks as if they were endangered darter snails.

The question is why. It's because, as has been pointed out by many of my colleagues, this bill is not a drill bill, and drilling is, by the way, a technique. It is a technique that meets the goal which is maximum American energy production, and in that, this bill falls short. In fact, while you might be tempted to judge this book by its cover, the Dems are in the details and no drilling will occur, for many of the reasons put forward earlier.

So you ask yourself why. Why would we not expand supply? Why would we not allow Americans to access their own domestic energy resources to help successfully transition to American energy security and independence?

The reality is this. There are people who believe that high energy prices will help make this transition necessary, will force the American people to radically change their lifestyles in the pursuit of some abstract dystopia put forward by radical environmentalists and others who seek to undo the industrial age in American economic prosperity during this transition to a globalized economy.

That is the real basis of this discussion. That is the basis of this debate. We can have an all-of-the-above energy strategy that responsibly transitions America into a future of energy security and independence, or we can have a radical restructuring of their very lifestyle through the government regulation and rationing of American energy.

The consequences upon the people of this country will be devastating and, in the end, they will not be fooled. For while this bill comes before us and we are told the Republicans should not take ''yes'' for an answer, the reality is this: The American people will not mistake ''no'' for a solution, and in the end, they will also come to the conclusion that by not increasing American supply of their own energy resources, this deadbeat, drill-nothing Democrat Congress is Big Oil's best friend.

Mr. MCGOVERN. Mr. Speaker, I know this debate's getting a little wacky, but I want to thank the gentleman from Michigan. In those 5 minutes that he spoke, the big oil companies that the Republicans have been so supportive of have made $1.7 million in profits.

I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I happen to agree with the Supreme Court decision on the gun issue. I've always felt that those who claimed that there was not an individual protection in the second amendment for gun owners were oddly mistaken. But the issue facing us today is not about guns. It's about the Federal relationship with local communities.

The first fight I ever had on this floor was when Bob Giaimo and I pried loose the money for the District subway when the Appropriations Committee was trying to dictate local transportation policy. I didn't like bullying then, and I don't like it now.

That's why, since that time, I've generally voted ''present'' whenever the Congress tries to play city council and dictate local business. I do that as a protest against Congress acting like we're elected city councilmen.

Most Members of this Congress would fight to preserve local authority for their own communities, but they don't hesitate to destroy it when the District of Columbia's around. Well, I, for one, was not elected to be a D.C. city councilman. I'm not paid to be a D.C. city councilman. If I'm expected to vote on their issues, I want to know where is my check from the District government?

If Members of this body want to decide D.C. policy instead of running for the Congress, they ought to run for the district council, and they ought to cut their paychecks to the District council level. That's what I believe, and that's why I will vote ''present'' on the underlying bill, and I will vote ''present'' on any amendment thereto as a protest to Congress idiotically playing city council on this or any other issue.

Mr. SESSIONS. Mr. Speaker, we respect this Congress's ability to consult with and work with city councils and local governments. But to suggest in any way that this Congress should be trying to help anyone or collude with them to extend time frames that have been established already by the highest court of this land, that I believe was a reasonable answer—the gentleman from Wisconsin believes it was a reasonable answer—is a different kind of issue.

And that's all this bill really does today, gives the city council more time; wait till after the election before this tough issue can be decided any further by that body and by this.

I think it's a mistake to wait. I think it's a mistake to intervene, and I think it's a mistake not to follow the law that the Supreme Court has laid out for the D.C. government. D.C. government needs to follow the law, needs to follow the Constitution. They've been told that a long time. They've fought it. They've done all they can. They lost. The Supreme Court issued the decision. It's time to follow the law.

Mr. Speaker, we reserve our balance.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Speaker, I thank the Rules Committee for allowing me this 2 minutes.

Those of us who support the Childers amendment are not here of our volition. We're here because the Supreme

Court of the United States, in a clarification ruling regarding, in this case, the second amendment to the Constitution, said that it's the law of the land and certain things must be done.

This Childers amendment does this and only this. It does not, for example, have any provisions that would limit the ability of the independent authorities of D.C., such as a public housing authority, from restricting firearms. It does not repeal the ammunition ban. It does not do anything in terms of strict liability for gun manufacturers, as the District law provides, provisions regarding exemptions.

□ 1545

All it does is what we would do routinely around here if it were any other group of American citizens in any State or territory. We would say, look, the Supreme Court changed the law of the land that Congress is going to enact enabling legislation to allow for that decision to be instrumental and put into place. And you will do the same whether you live in California, New York, Tennessee, the District of Columbia, Hawaii, wherever. This is done routinely. I don't understand how people can argue that since its the District, it ought to somehow be different than any other American citizen.

And so, Mr. Speaker, this Childers amendment is very narrowly drawn to only enforce the Supreme Court decision as it relates to that decision; nothing more, nothing less. And whatever the District wants to do outside the parameters of that is perfectly all right with me.

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

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

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

Mr. ROSS. Mr. Speaker, I rise today in support of the Childers amendment to H.R. 6842. I want to thank the gentleman from Massachusetts for giving me 2 minutes to address this issue.

Some folks may say, why would a Member of Congress from Arkansas be concerned about D.C. gun laws? It's quite simple. Number one, I'm a pro-gun Democrat. Number two, if the Government of D.C. can take your guns away from you in our Nation's capital, Prescott, Arkansas and many other small towns across this country could be next.

Now, why are we here? In June, the Supreme Court struck down D.C.'s ban on handguns and operable firearms within the home for self-defense. The District responded by passing an emergency bill that fails to comply with the Court's ruling. Here's what D.C.'s response was to the Supreme Court ruling saying, yes, the second right applies to the citizens of the District of Columbia just as it does to all the other citizens in the United States of America, and this is how the Government of D.C. responded. They did not correct its machine gun ban, which, unlike Federal or State laws, defines machine guns to include semi-automatic firearms. Well, guess what, Mr. Speaker, almost every weapon in America today is a semi-automatic firearm. You can't duck hunt without a semi-automatic firearm. Very few pistols can be purchased that are not semi-automatic firearms.

D.C. failed to eliminate its ban on operable firearms within the home, allowing a person to assemble and load a firearm at home only if a criminal attack is underway. In other words, if someone breaks into your house in D.C., you've got to say, excuse me, Mr. Intruder, would you pause a moment while I assemble my gun? This bill makes no sense, and that's why the Childers amendment is in order and that's why I will be supporting it today.

Mr. SESSIONS. Mr. Speaker, I continue to reserve.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlelady from the District of Columbia.

Ms. NORTON. I thank the gentleman.

I think I should make an important announcement. The District of Columbia has just passed permanent legislation that has no gun lock provision; instead, substitutes a child access bill and allows semi-automatics and allows more than one. And they were always on their way to doing it. And the good faith was shown by the fact that they passed a stop-gap measure as they left town, which allowed immediate registration. This bill federalizes gun laws. It takes D.C. out of the gun business. It leaves a naked law with no regulations.

Scalia gave us a very narrow 5–4 decision. By 5–4, it's because that's the only way he could get it through. And you know that he got it through that way because it leaves it to local jurisdictions to tailor the bill to fit their local needs. D.C. is fitting its local needs and the needs of the Federal presence. This bill, the NRA bill, throws the doors open to guns and throws away all we've done in homeland security.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to voice my strong opposition to the substitute amendment that this rule makes in order because it usurps D.C.'s home rule authority and imposes upon the residents of our Nation's Capital laws that they don't support and that will make them less safe.

The substitute amendment goes well beyond anything contained in the Heller decision. It leaves D.C. City Council with little authority to impose sensible regulations on deadly weapons. It will repeal requirements that guns be properly stored in the home, requirements that we know prevent the accidental deaths of hundreds of children every year. States with safe storage laws have seen substantial drops in unintentional firearm deaths compared with States without those laws. And, in fact, a gun in the home is 22 times more likely to kill a family member or a friend than it is to ward off an intruder or be used in self-defense.

The substitute amendment will repeal the District's ban on semi-automatic guns. Even a .50 caliber semi-automatic sniper rifle is allowed, whose manufacturer publicly advertises that it can pierce the fuselage of a jet airplane from miles away. Talk about making a mockery of our homeland security rhetoric.

And the amendment will require Virginia and Maryland to sell guns to D.C. residents, breaking with decades of Federal gun trafficking laws, forcing the Commonwealth of Virginia to allow guns to fall into the hands of the mentally unbalanced and into the hands of criminals. We have already seen this happen with Virginia Tech. How dare this Congress overturn Virginia's State laws without even consulting them.

Who does the NRA think it is? There is no reason we're debating this issue today other than to appease the NRA at the expense of public safety. The Members who would impose this unwanted law onto D.C. residents would never do this to their own constituents, but it's being done because D.C. residents can't fight back. And that's the definition of bullying. It is beneath the character of the Congress to be doing this.

And let me tell you, when you have a Presidential motorcade, you clear all the streets in other cities. But in D.C., by this law, you're going to be able to have a loaded gun in your window that poses an immediate danger to the President.

What are we thinking of? This is wrong. It needs to be defeated. It is beneath the dignity of this Congress to even bring it up, and if it passes we will live to regret it.

Mr. SESSIONS. Mr. Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that American families today and in the future are facing.

By going on vacation for 5 weeks over August while I and 138 other of my Republican colleagues stayed in Washington to talk about real energy solutions for American families, this Democrat majority has proven that they do not believe that the energy crisis facing American families and businesses is important enough to cancel their summer beach plans or book tours to get their work done.

However, enough of their Members must have heard from their frustrated constituents over August who are tired of the political games that the Democrats are playing and they want some kind of action. Because today, we are considering yet another measure to provide their Members with a political

cover vote that will do nothing to bring down the cost of energy at the pump because it does nothing to encourage participation by States in a program to increase the amount of American-made energy. We are simply wasting our time on a sham, and something that will not materialize to help energy prices.

Mr. Speaker, last Friday, an influential Democrat Senator stated what everybody in this House knows, that any bill excluding energy production revenue sharing for the States will never pass the Senate, making the cynical and political exercise that the House will engage in shortly even more transparent.

So today, I urge my colleagues to vote with me to defeat the previous question so this House can finally consider a real and comprehensive solution to rising energy costs in addition to today's bill to buy the District of Columbia more time to avoid compliance with the Supreme Court's ruling on the second amendment.

If the previous question is defeated, I will move to amend the rule to allow for additional consideration of H.R. 6566, the American Energy Act. This real, all-of-the-above bill would increase the supply of American-made energy, improve conservation and efficiency, and promote new and expanding energy technologies to help lower the cost at the pump and reduce America's increasing costly and dangerous dependence on foreign sources of energy.

I encourage everyone that believes a comprehensive solution to solving this energy crisis and achieving energy independence includes increasing the supply of American energy to defeat the previous question.

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

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

There was no objection.

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

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, before I use my time, I would like to insert in the RECORD a statement by the Brady Campaign to Prevent Gun Violence; a statement by Stop Handgun Violence; a letter signed by a number of religious organizations opposed to the Childers amendment; and a letter from D.C. Vote, which includes the D.C. Republican Committee, which opposes the Childers amendment.

CHILDERS AMENDMENT WOULD REPEAL D.C. GUN LAWS, ENDANGER PUBLIC SAFETY AND THREATEN HOMELAND SECURITY

The House may soon consider legislation concerning D.C. gun laws. We support H.R. 6842, the bipartisan Norton/Issa bill to require that D.C. conform its laws to the Supreme Court ruling in District of Columbia v. Heller. The D.C. Council is already in the process of amending its gun laws in response to Heller, and this bill requires D.C. to act within 180 days.

A dangerous NRA-backed amendment, proposed by Rep. Childers, would repeal D.C. gun laws and go far beyond authorizing gun possession for self-defense in the home. The amendment is based on H.R. 6691, a reckless bill so broad it even would have allowed the carrying of assault rifles on D.C. streets. After the NRA repeatedly claimed that nothing in H.R. 6691 ''would allow people to carry loaded firearms outside of their home,'' it apparently agreed to undo dangerous provisions that did in fact allow the carrying of assault rifles in public. Yet the rest of the Childers amendment remains almost identical to H.R. 6691—it still undermines gun laws and endangers homeland security.

After repeatedly misleading Congress about the scope of H.R. 6691, the NRA has no credibility on this issue. Last week, the NRA's chief lobbyist, Chris Cox, was quoted repeatedly stating that the bill would not allow the open carrying of assault weapons, and ridiculing those who claimed otherwise. The NRA has now implicitly conceded that its repeated prior statements were false, as the revisions are aimed at a problem that the NRA claimed did not exist. Either the NRA was intentionally misleading Congress and the public about the bill, or it did not understand what its top legislative priority would do. It is hard to know which is worse.

The NRA-backed Childers amendment still creates serious threats to public safety and homeland security by allowing dangerous persons to stockpile semiautomatic assault weapons with high capacity ammunition magazines in D.C., undermining federal laws to curtail gun trafficking, and prohibiting D.C. from passing laws that could ''discourage'' gun possession or use, even basic safe storage requirements or age limits for the possession of assault rifles. We oppose the dangerous Childers amendment to H.R. 6842.

BACKGROUND

H.R. 6691 was introduced following the U.S. Supreme Court's ruling in District of Columbia v. Heller that D.C.'s ban on handguns in the home for self-defense was unconstitutional. Justice Scalia's majority opinion in Heller, however, was narrow and limited. He specifically noted that a wide range of gun laws are ''presumptively lawful''—everything from laws ''forbidding the carrying of firearms in sensitive places'' to ''conditions and qualifications on the commercial sale of arms.''

After Heller, D.C. passed temporary, emergency regulations to comply with the Supreme Court ruling, and the plaintiff in the case, Dick Heller, was approved by the city to keep a gun in his home. D.C. is currently developing permanent regulations to adapt all of its gun laws to the Court's ruling. Yet instead of giving D.C.'s elected officials a fair and reasonable opportunity to enact permanent regulations, the gun lobby is pushing Congress to enact dangerous and sweeping legislation that goes far beyond the mandates of Heller.

Even though the bipartisan Norton/Issa bill to require D.C. to conform to Heller was supported by the House Committee on Oversight and Government Reform by a 21–1 vote, the gun lobby is still pushing for a broad repeal of D.C. gun laws. It now supports the Childers amendment to H.R. 6842, which would bar the city from enacting measures to curb gun crime and weaken federal anti-gun trafficking laws.

The Childers amendment would endanger not only D.C. residents but also all those who work in and visit the capital. At a time when terrorists continue to look for ways to attack our nation, passing this amendment would be reckless and irresponsible. Congress should reject the dangerous Childers amendment.

DETAILS OF CHILDERS AMENDMENT TO H.R. 6842

Allowing stockpiling of military-style weapons with high capacity ammunition magazines—The Childers amendment would repeal D.C.'s ban on semi-automatic weapons, including assault weapons (4). It would also prohibit D.C. from enacting laws discouraging gun use or possession, such as restrictions on military-style weapons (3). It thus allows the stockpiling of military-style semiautomatic assault rifles or .50 caliber sniper rifles that can pierce armored car plating. It would even allow teenagers and children to possess loaded assault rifles by repealing all age restrictions on the possession of long guns (5(b)(1)). This means that law enforcement could not stop dangerous persons from stockpiling assault rifles or .50 caliber sniper rifles in homes or businesses near federal buildings or motorcade routes.

Undermining federal anti-gun trafficking laws—The Childers amendment would allow D.C. residents to cross state lines to buy handguns in neighboring states, thereby undermining federal anti-trafficking laws (10). For decades, federal law has barred gun dealers from selling handguns directly to out of state buyers (other than licensed dealers) because of the high risk this creates for interstate gun trafficking (18 U.S.C. 922(b)(3)). This means that gun traffickers could more easily obtain large quantities of guns outside D.C. to illegally distribute to criminals in D.C.

Prohibiting D.C. from enacting common sense gun laws—The Childers amendment would bar D.C. from passing any law that would ''prohibit, constructively prohibit, or unduly burden'' gun ownership by anyone not barred by already weak federal gun laws (3). It would even bar D.C. from enacting laws or regulations that may ''discourage'' private gun ownership or use, including by felons, children or other dangerous persons (Id.). This means that D.C. could not pass laws requiring shooting proficiency to use a gun, educating parents of the dangers to children of guns in the home, or even restricting gang members without criminal records from possessing assault rifles.

Repealing common sense restrictions on gun possession by dangerous or unqualified persons—The Childers amendment repeals common sense restrictions on gun possession in D.C. including:

Repealing the prohibition on most persons under age 21 from possessing firearms (5(b)(1)). It replaces current D.C. law with weaker federal limits that only bar anyone under 18 from possessing handguns (18 U.S.C. 922(x)), and it repeals all age limits for the possession and carrying of long guns, including assault rifles.

Repealing the prohibition on gun possession by anyone who has committed a violent crime or recent drug crime (5(b)(1)). It replaces this current D.C. law with the weaker federal ban that allows gun possession by many persons who have committed violent or drug-related misdemeanor crimes unrelated to domestic violence.

Repealing the prohibition on gun possession by anyone voluntarily committed to a mental institution in the last 5 years (unless they have a doctor's certification) (5(b)(1)). It replaces this current D.C. law with the weaker federal ban that allows many persons who are dangerously mentally ill to obtain firearms.

Repealing the prohibition in D.C. law on gun possession by anyone who does not pass

a vision test, including if they are blind (5(b)(1)). D.C. would be barred from having any vision requirement for gun use.

Repealing registration requirements for firearms—The Childers amendment repeals even the most basic gun registration requirements (5). This means that police could no longer easily trace crime guns by tracing them to their registered owner.

Repealing all safe storage laws—After Heller, D.C. passed emergency legislation allowing guns to be unlocked for self-defense but otherwise locked to keep guns from children and dangerous persons. The Childers amendment repeals all safe storage requirements and prohibits D.C. from enacting new safe storage laws, even though every major gun maker recommends that guns be kept unloaded and locked (3, 7). This means that D.C. could not prohibit people from storing loaded firearms near children, posing an extreme danger to the safety of D.C. families.

THE FACTS

5 children were killed every day in gun related accidents and suicides committed with a firearm, from 1994–1998.

An average of 5 children were killed every day in gun related accidents and suicides committed with a firearm, from 1994–1998. Centers for Disease Control and Prevention's National Center for Injury Prevention and Control, National Injury Mortality Statistics, 1994–1998.

40% of American households with children have guns. Peter Hart Research Associates Poll, July 1999.

22 million children live in homes with at least one firearm. 34% of children in the United States (representing more than 22 million children in 11 million homes) live in homes with at least one firearm. In 69 percent of homes with firearms and children, more than one firearm is present. The RAND Corporation, ''Guns in the Family: Firearm Storage Patterns in U.S. Homes with Children,'' March 2001, an analysis of the 1994 National Health Interview Survey and Year 2000 objectives supplement. Also published as Schuster et al., ''Firearm Storage Patterns in U.S. Homes with Children,'' American Journal of Public Health 90(4): 588–594, April 2000.

A gun in the home is 22 times more likely to be used in an unintentional shooting, than to be used to injure or kill in self-defense.

A gun in the home is 22 times more likely to be used in an unintentional shooting, a criminal assault or homicide, or an attempted or completed suicide than to be used to injure or kill in self-defense. Journal of Trauma, 1998.

In 1997, gunshot wounds were the second leading cause of injury death for men and women 10–24 years of age.

In 1997, gunshot wounds were the second leading cause of injury death for men and women 10–24 years of age—second only to motor vehicle crashes—while the firearm injury death rate among males 15–24 years of age was 42% higher than the motor vehicle traffic injury death rate. Centers for Disease Control and Prevention, June 1999.

In the U.S., children under 15 commit suicide with guns at a rate of eleven times the rate of other countries combined.

For children under the age of 15, the rate of suicide in the United States is twice the rate of other countries. For suicides involving firearms, the rate was almost eleven times the rate of other countries combined. U.S. Department of Justice, March 2000.

Guns in the home are the primary source for firearms that teenagers use to kill themselves in the United States.

Studies show that guns in the home are the primary source for firearms that teenagers use to kill themselves. Injury Prevention, 1999.

85% of Americans want mandatory handgun registration.

85% of Americans endorse the mandatory registration of handguns and 72% also want mandatory registration of longguns (rifles and shotguns). 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

85% of Americans want a background check and 5-day waiting period before a handgun is purchased.

85% of Americans want a background check and 5-day waiting period before a handgun is purchased. 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

95% of Americans think that U.S. made handguns should meet the same safety standards as imported guns.

95% of Americans favor having handguns manufactured in the United States meet the same safety and quality standards that imported guns must meet. 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

51% of the guns used in crimes by juveniles and people 18 to 24 were acquired by ''straw purchasers,'' people who buy several guns legally through licensed dealers, then sell them to criminals, violent offenders, and kids.

51% of the guns used in crimes by juveniles and people 18 to 24 were acquired by ''straw purchasers,'' people who buy several guns legally through licensed dealers, then sell them to criminals, violent offenders, and kids. ATF report, Crime Gun Trace Analysis, February 1999.

More Americans were killed by guns than by war in the 20th Century.

More Americans were killed with guns in the 18-year period between 1979 and 1997 (651,697), than were killed in battle in all wars since 1775 (650,858). And while a sharp drop in gun homicides has contributed to a decline in overall gun deaths since 1993, the 90's will likely exceed the death toll of the 1980s (327,173) and end up being the deadliest decade of the century. By the end of the 1990s, an estimated 350,000 Americans will have been killed in non-military-related firearm incidents during the decade. Handgun Control 12/30/99 (Press release from CDC data).

A classroom is emptied every two days in America by gunfire. In 1998, 3,792 American children and teens (19 and under) died by gunfire in murders, suicides and unintentional shootings. That's more than 10 young people a day. Unpublished data from the Vital Statistics System, Centers for Disease Control and Prevention, National Center for Health Statistics, 2000.

Toy guns and teddy bears have more federal manufacturing regulations than real guns. Centers for Disease Control, National Center for Health Statistics, Deaths: Final Data for 1999. NVSR Volume 49, No. 8. 114 pp. (PHS) 2001–1120.

Every day 79 people are killed by firearms in America. In 1999 a total of 28,874 persons died from firearm injuries in the United States, down nearly 6 percent from the 30,625 deaths in 1998.

88% of the US population and 80% of U.S. gun owners support childproofing all new handguns. 88% of the U.S. population and 80% of U.S. gun owners support childproofing all new handguns.

Johns Hopkins University Center of Gun Policy and Research, 1997/1998.

Kids in America are 12 times more likely to be killed by a gun than kids in 25 other industrialized nations combined. The overall firearm-related death rate among U.S. children aged less than 15 years was nearly 12 times higher than among children in 25 other industrialized countries combined. Centers for Disease Control and Prevention, ''Rates of Homicide, Suicide, and Firearm-Related Death Among Children—26 Industrialized Countries,'' Morbidity and Mortality Weekly Report 46(05): 101–105, February 07, 1997.

Guns stored in the home are used 72% of the time when children are accidentally killed and injured, commit suicide with a firearm. In 72% of unintentional deaths and injuries, suicide, and suicide attempts with a firearm of 0–19 year-olds, the firearm was stored in the residence of the victim, a relative, or a friend. Harborview Injury Prevention and Research Center Study, Archives of Pediatric and Adolescent Medicine, August 1999.

Medical costs from gun injuries and deaths cost $19 billion. The U.S. taxpayer will pay half of that cost. Direct medical costs for firearm injuries range from $2.3 billion to $4 billion, and additional indirect costs, such as lost potential earnings, are estimated at $19.0 billion. Miller and Cohen, Textbook of Penetrating Trauma, 1995; American Academy of Pediatrics, 2000; Journal of American Medical Association, June 1995; Annals of Internal Medicine, 1998.

SEPTEMBER 8, 2008.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: As groups inspired by religious values and ethical principles, we urge you in the strongest terms to oppose H.R. 6691, introduced by Rep. TRAVIS CHILDERS (D–MS). This legislation claims to restore Second Amendment rights in the District of Columbia, but in actuality it prevents the 600,000 District of Columbia residents from enacting comprehensive, constitutional commonsense regulations to reduce gun violence and ensure their community's safety.

This legislation would go far beyond the changes needed to ensure that the District's gun regulations comply with the Supreme Court's recent decision in the case DC v Heller. The bill would drastically erode several regulations that were deemed both constitutional and reasonable by the Heller ruling. H.R. 6691 would completely repeal the District's firearm registration requirements; allow DC residents to travel to Maryland and Virginia to purchase handguns despite longstanding federal law that helps prevent gun trafficking; and legalize military-style assault weapons, whose destructive power goes far beyond what could possibly be necessary for self-defense or sport.

While we fully acknowledge that the DC law needs to comply with the Supreme Court's recent Heller decision, we believe duly elected District officials should have a fair and reasonable opportunity to develop and implement new locally specific regulations. H.R. 6691 would prohibit the DC government from enacting any future ''laws or regulations that discourage or eliminate the private ownership or use of firearms''. It would be unconscionable of the House to pass this bill and impose its will on the residents of the District of Columbia when they do not even have a voting member of Congress to register local concerns and defend their prerogatives. Rather than upholding Second Amendment liberties, this bill would restrict local governance, effectively limiting the freedoms of District residents. We find this violation of ''home rule'' to be deeply disturbing.

As faith inspired organizations, we must actively pursue a world free from bloodshed. This legislation would prevent the District of Columbia from lawfully regulating dangerous weapons. We urge you to help keep

Washington, DC, residents safe, and to respect their right to self-government. Please vote against H.R. 6691.

Sincerely,

American Jewish Committee
Anti-Defamation League
ASHA for Women
Baptist Peace Fellowship of North America
Church of the Brethren Witness/Washington Office
FaithTrust Institute
Fellowship of Reconciliation
Friends Committee on National Legislation
Hadassah the Women's Zionist Organization of America
Jewish Community Relations Council of Greater Washington
The Jewish Council for Public Affairs
Jewish Women International
Jews United for Justice
Mennonite Central Committee Washington Office
National Advocacy Center of the Sisters of the Good Shepard
National Alliance of Faith and Justice
National Council of Jewish Women
NA'AMAT USA
North American Division of Seventh-day Adventists
Presbyterian Church (USA) Washington Office
Sisters of Mercy Institute Justice Team
Sojourners
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Synagogue of Conservative Judaism
Women of Reform Judaism
Women's League of Conservative Judaism
Workmen's Circle/Arbeter Ring

SEPTEMBER 12, 2008.

DEAR MEMBER OF CONGRESS: We urge you to support H.R. 6842, the National Capital Security and Safety Act, and to oppose any and all amendments offered to the bill.

H.R. 6842, introduced by DC Delegate Eleanor Holmes Norton, provides proponents of gun rights with a vehicle for ensuring that the DC government enacts legislation consistent with the requirements of the decision of the U.S. Supreme Court in District of Columbia v. Heller. The bill also respects local democracy in our nation's capital by allowing locally elected officials to enact the District's own local gun laws.

Gun rights proponents support alternate legislation, H.R. 1399 and H.R. 6691, claiming they are necessary to restore the Second Amendment rights of individuals in the District of Columbia. H.R. 6842 not only promotes that goal, but would also protect the unique status and security needs of our nation's capital city.

This summer, the duly elected DC government enacted temporary legislation in response to the Heller decision. Consequently, DC residents are now registering handguns for personal protection in their homes. H.R. 6842 would ensure that the DC government enacts permanent legislation within 180 days. Congress would have the power to review, approve, disapprove or override such permanent DC legislation if it believes the measure is inadequate.

We note that other localities are going through this same legislative process. Congress should afford Washingtonians the same respect and deference it is showing to communities around the country.

We urge you to support H.R. 6842, the National Capital Security and Safety Act.

Sincerely,

DC Vote, DC Republican Committee, Brady Campaign to Prevent Gun Violence, Coalition to Stop Gun Violence, Common Cause, and DC Democratic State Committee.

DC for Democracy, DC NAACP, Greater Washington Urban League, Jews United for Justice, League of Women Voters, Leadership Conference on Civil Rights, Metropolitan Washington Council, AFL-CIO, NAACP, and National Council of Jewish Women.

Mr. Speaker, first I want to take a moment to thank Congresswoman ELEANOR HOLMES NORTON for her incredible leadership on behalf of the people of the District of Columbia. For years, she has been a passionate advocate for the cause of local governance here in the District.

Again, I urge my colleagues to vote ''no'' on the Childers amendment and to vote ''yes'' for the sensible, bipartisan Holmes Norton bill, which would ensure that the District comply with the Supreme Court's ruling.

Before my colleagues vote, please ask yourself one simple question: What if it was your district we were talking about? What if it was your hometown whose rights were being trampled? All I ask is that you give the people of D.C. the same respect that you would give the people of your constituents.

This Childers amendment is far-reaching. It eliminates the D.C. registration law. If the District of Columbia, Mr. Speaker, wants sensible gun safety protections to protect its people, to protect its children, and at the same time comply with the second amendment, it should have the ability to do that.

Senator BARACK OBAMA, I think, said it perfectly when he said, ''The reality of gun ownership may be different for hunters in rural Ohio than they are for those plagued by gang violence in Cleveland, but don't tell me we can't uphold the second amendment while keeping AK–47s out of the hands of criminals.'' I think that says it best.

Mr. Speaker, I urge my colleagues to support the underlying bill by ELEANOR HOLMES NORTON. I urge my colleagues to vote against the Childers amendment. I think it is wrong, I think it is arrogant, and it does not belong on this House floor.

Mr. DINGELL. Mr. Speaker, I rise today in support of the rule that will allow us to debate and vote on Congressman CHILDERS' amendment to H.R. 6842: legislation that will implement the Supreme Court's historic Heller decision, and restore and protect the Second Amendment rights of the residents of the District of Columbia.

This legislation does four things: First, it overturns existing DC laws banning semiautomatic firearms, including the types of guns most commonly used for self defense. Second, it overturns DC laws requiring residents to keep their firearms locked and inoperable until the very moment they are attacked. Third, it gives DC residents the ability to purchase a firearm in Virginia or Maryland, a necessity because there is only one federally licensed firearms dealer in Washington, DC, and he operates without a facility that is open to the public. Fourth, this legislation removes the lengthy and burdensome registration procedures put in place by the DC Council.

What this legislation does not do is preclude the DC Council in any way from passing sensible firearms regulations that comply with the Supreme Court's decision in Heller. The DC Council will retain the authority to restrict firearms so long as those restrictions do not overly burden the Second Amendment rights of DC residents.

It should also be noted that this legislation does not in any way harm our efforts to stop criminals or terrorists that pose a threat to DC residents. Indeed, those criminals and terrorists already have access to illegal firearms. This legislation will, however, give law abiding residents of Washington, DC, with the opportunity to purchase a legal firearm from a federally licensed firearms dealer and keep it in their home or place of business in order to defend themselves.

I am happy to hear that the DC Council and the Mayor have proposed changes to DC's gun laws that will begin to bring the District into compliance with the Supreme Court's decision. However, those efforts do not preclude us from acting to pass Congressman CHILDERS' amendment. Rather, the DC Council's proposals will complement our efforts here today.

In short, I urge my colleagues to adopt this rule today and to support Mr. CHILDERS' amendment, which will for the first time in over 30 years give the residents of Washington, DC, the rights afforded to them under the Second Amendment.

Mr. STARK. Mr. Speaker, I rise today in adamant opposition to the National Capital Security & Safety Act as amended. I commend my colleagues Delegate HOLMES-NORTON and Representative WAXMAN on the work they have done to ensure that the DC City Council remains the leader in enacting the laws necessary to comply with the Supreme Court's decision in District of Columbia v. Heller. Unfortunately, Mr. CHILDERS' amendment ruins the intent of this legislation and has dire consequences for the Nation's capital.

I don't agree with the Supreme Court's decision. Regardless, I do believe that the DC City Council is in the best position to decide what regulations are appropriate for their community. Congress has trampled on the District's autonomy for long enough. The last thing DC needs is Congressional Members to repeatedly and unnecessarily intervene in issues specific to the District of Columbia.

Equally problematic and more disturbing are the repercussions of Mr. CHILDERS' amendment. His amendment throws out the DC City Council's emergency handgun regulations and replaces them with so-called regulations that in fact endanger their communities' public safety. His amendment allows for the stockpiling of semiautomatic assault weapons, fully loaded firearms in homes, and discourages the passage of common-sense legislation addressing safe storage requirements or age limits for the possession of assault rifles.

The supporters of this amendment are not representing the people of DC, they are representing the gun lobby. The nationwide statistics on deaths caused by intentional and accidental gunfire are extreme to begin with, but Washington DC is rated as the thirteenth most dangerous city in the country, where the homicide rate is almost double the national average. Are the supporters of this amendment representing the families in the District who have lost their loved ones to gun violence? Or

the policemen and women who experience up close the misuse of guns by both kids and adults every day? No. Supporters of this amendment are only supporting the National Rifle Association.

We're not living in the 1700s, when governmental police forces were nonexistent and state militias were a constant threat to central government. Supporters of Mr. CHILDERS' amendment need to pull their heads out of the past and face the present: gun violence is an ugly reality, and we're not doing the people of the District of Columbia any favors by considering legislation that will endanger lives under the disguise of protecting constitutional rights. The people who make up this country are entitled to life, liberty, and the pursuit of happiness, and they certainly can't claim their right to the last two if they lose their lives. That's what guns do—they kill people.

I strongly urge my colleagues to stand with me in opposing this bill.

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

AMENDMENT TO H. RES. 1434 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

□ 1600

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: ordering the previous question on House Resolution 1433; adopting House Resolution 1433, if ordered; ordering the previous question on House Resolution 1434; adopting House Resolution 1434, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1433, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 10, as follows:

[Roll No. 595]

YEAS—238

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Cubin
Dreier
Ehlers
Jackson-Lee (TX)
Lampson
Neugebauer
Paul
Pitts
Walberg

□ 1626

Messrs. KINGSTON and CAZAYOUX changed their vote from ''yea'' to ''nay.''

Mr. RAMSTAD, Mrs. McCARTHY of New York and Mr. STARK changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 10, as follows:

[Roll No. 596]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Tiahrt
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1638

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6842, NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1434, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 183, not voting 9, as follows:

[Roll No. 597]

YEAS—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
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Kildee
Kilpatrick
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Klein (FL)
Kucinich
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Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
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McDermott
McGovern
McIntyre
McNerney
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Meek (FL)
Meeks (NY)
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Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

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Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1647

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–854) on the resolution (H. Res. 1441) providing for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1433, I call up the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6899

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive American Energy Security and Consumer Protection Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FEDERAL OIL AND GAS LEASING

Subtitle A—Outer Continental Shelf Oil and Gas Leasing

Sec. 101. Prohibition on leasing.
Sec. 102. Opening of certain areas to oil and gas leasing.
Sec. 103. Coastal State roles and responsibilities.
Sec. 104. Protection of the environment and conservation of the natural resources of the Outer Continental Shelf.
Sec. 105. Limitations.
Sec. 106. Prohibition on leasing in certain Federal protected areas.
Sec. 107. No effect on applicable law.
Sec. 108. Buy American requirements.
Sec. 109. Small, woman-owned, and minority-owned businesses.
Sec. 110. Definitions.

Subtitle B—Diligent Development of Federal Oil and Gas Leases

Sec. 121. Clarification.
Sec. 122. Covered provisions.
Sec. 123. Regulations.
Sec. 124. Resource estimates and leasing program management indicators.

Subtitle C—Royalties Under Offshore Oil and Gas Leases

Sec. 131. Short title.
Sec. 132. Price thresholds for royalty suspension provisions.

Sec. 133. Clarification of authority to impose price thresholds for certain lease sales.
Sec. 134. Eligibility for new leases and the transfer of leases; conservation of resources fees.
Sec. 135. Strategic Energy Efficiency and Renewables Reserve.
Subtitle D—Accountability and Integrity in the Federal Energy Program
Sec. 141. Royalty in-kind.
Sec. 142. Fair return on production of Federal oil and gas resources.
Sec. 143. Royalty-in-kind ethics.
Sec. 144. Prohibition on certain gifts.
Sec. 145. Strengthening the ability of the Interior Department Inspector General to secure cooperation.
Subtitle E—Federal Oil and Gas Royalty Reform
Sec. 151. Amendments to definitions.
Sec. 152. Interest.
Sec. 153. Obligation period.
Sec. 154. Tolling agreements and subpoenas.
Sec. 155. Liability for royalty payments.
Subtitle F—National Petroleum Reserve in Alaska
Sec. 161. Short title.
Sec. 162. Acceleration of lease sales for National Petroleum Reserve in Alaska.
Sec. 163. National Petroleum Reserve in Alaska: pipeline construction.
Sec. 164. Alaska natural gas pipeline project facilitation.
Sec. 165. Project labor agreements and other pipeline requirements.
Sec. 166. Ban on export of Alaskan oil.
Subtitle G—Oil Shale
Sec. 171. Oil shale leasing.
TITLE II—CONSUMER ENERGY SUPPLY
Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Sale and replacement of oil from the Strategic Petroleum Reserve.
TITLE III—PUBLIC TRANSPORTATION
Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Grants to improve public transportation services.
Sec. 304. Increased Federal share for Clean Air Act compliance.
Sec. 305. Transportation fringe benefits.
Sec. 306. Capital cost of contracting vanpool pilot program.
Sec. 307. National consumer awareness program.
Sec. 308. Exception to alternative fuel procurement requirement.
TITLE IV—GREATER ENERGY EFFICIENCY IN BUILDING CODES
Sec. 401. Greater energy efficiency in building codes.
TITLE V—FEDERAL RENEWABLE ELECTRICITY STANDARD
Sec. 501. Federal renewable electricity standard.
TITLE VI—GREEN RESOURCES FOR ENERGY EFFICIENT NEIGHBORHOODS
Sec. 601. Short title and table of contents.
Sec. 602. Definitions.
Sec. 603. Implementation of energy efficiency participation incentives for HUD programs.
Sec. 604. Minimum HUD energy efficiency standards and standards for additional credit.
Sec. 605. Energy efficiency and conservation demonstration program for multifamily housing projects assisted with project-based rental assistance.
Sec. 606. Additional credit for Fannie Mae and Freddie Mac housing goals for energy efficient mortgages.
Sec. 607. Duty to serve underserved markets for energy-efficient and location-efficient mortgages.
Sec. 608. Consideration of energy efficiency under FHA mortgage insurance programs and Native American and Native Hawaiian loan guarantee programs.
Sec. 609. Energy efficient mortgages education and outreach campaign.
Sec. 610. Collection of information on energy-efficient and location efficient mortgages through Home Mortgage Disclosure Act.
Sec. 611. Ensuring availability of homeowners insurance for homes not connected to electricity grid.
Sec. 612. Mortgage incentives for energy-efficient multifamily housing.
Sec. 613. Energy efficiency certifications for housing with mortgages insured by FHA.
Sec. 614. Assisted housing energy loan pilot program.
Sec. 615. Residential energy efficiency block grant program.
Sec. 616. Including sustainable development in comprehensive housing affordability strategies.
Sec. 617. Grant program to increase sustainable low-income community development capacity.
Sec. 618. Utilization of energy performance contracts in HOPE VI.
Sec. 619. HOPE VI green developments requirement.
Sec. 620. Consideration of energy-efficiency improvements in appraisals.
Sec. 621. Assistance for Housing Assistance Council.
Sec. 622. Rural housing and economic development assistance.
Sec. 623. Loans to States and Indian tribes to carry out renewable energy sources activities.
Sec. 624. Green banking centers.
Sec. 625. Public housing energy cost report.
TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Alternative fuel pumps.
Sec. 702. National Energy Center of Excellence.
Sec. 703. Sense of Congress regarding renewable biomass.
TITLE VIII—ENERGY TAX INCENTIVES
Sec. 800. Short title, etc.
Subtitle A—Energy Production Incentives
PART 1—RENEWABLE ENERGY INCENTIVES
Sec. 801. Renewable energy credit.
Sec. 802. Production credit for electricity produced from marine renewables.
Sec. 803. Energy credit.
Sec. 804. Credit for residential energy efficient property.
Sec. 805. Special rule to implement FERC and State electric restructuring policy.
Sec. 806. New clean renewable energy bonds.
PART 2—CARBON MITIGATION PROVISIONS
Sec. 811. Expansion and modification of advanced coal project investment credit.
Sec. 812. Expansion and modification of coal gasification investment credit.
Sec. 813. Temporary increase in coal excise tax.
Sec. 814. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 815. Carbon audit of the tax code.
Subtitle B—Transportation and Domestic Fuel Security Provisions
Sec. 821. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 822. Credits for biodiesel and renewable diesel.
Sec. 823. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 824. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 825. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 826. Restructuring of New York Liberty Zone tax credits.
Sec. 827. Transportation fringe benefit to bicycle commuters.
Sec. 828. Alternative fuel vehicle refueling property credit.
Sec. 829. Energy security bonds.
Sec. 830. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Subtitle C—Energy Conservation and Efficiency Provisions
Sec. 841. Qualified energy conservation bonds.
Sec. 842. Credit for nonbusiness energy property.
Sec. 843. Energy efficient commercial buildings deduction.
Sec. 844. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 845. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 846. Qualified green building and sustainable design projects.
Subtitle D—Revenue Provisions
Sec. 851. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 852. Clarification of determination of foreign oil and gas extraction income.
Sec. 853. Time for payment of corporate estimated taxes.

TITLE I—FEDERAL OIL AND GAS LEASING

Subtitle A—Outer Continental Shelf Oil and Gas Leasing

SEC. 101. PROHIBITION ON LEASING.

(a) PROHIBITION.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) notwithstanding, the Secretary shall not take nor authorize any action related to oil and gas preleasing or leasing of any area of the Outer Continental Shelf that was not available for oil and gas leasing as of July 1, 2008, unless that action is expressly authorized by this subtitle or a statute enacted by Congress after the date of enactment of this Act.

(b) TREATMENT OF AREAS IN GULF OF MEXICO.—For purposes of this subtitle, such action with respect to an area referred to in section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 42 U.S.C. 1331 note) taken or authorized after the period referred to in that section shall be treated as authorized by this subtitle, and such leasing of such area shall be treated as authorized under section 102(a).

SEC. 102. OPENING OF CERTAIN AREAS TO OIL AND GAS LEASING.

(a) LEASING AUTHORIZED.—The Secretary may offer for oil and gas leasing, preleasing,

or other related activities, in accordance with this section and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and subject to subsection (b) of this section, section 103 of this Act, and section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), any area—

(1) that is in any Outer Continental Shelf Planning Area in the Atlantic Ocean or Pacific Ocean that is located farther than 50 miles from the coastline; and

(2) that was not otherwise available for oil and gas leasing, preleasing, and other related activities as of July 1, 2008.

(b) INCLUSION IN LEASING PROGRAM REQUIRED.—An area may be offered for lease under this section only if it has been included in an Outer Continental Shelf leasing program approved by the Secretary in accordance with section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(c) REQUIREMENT TO CONDUCT LEASE SALES.—As soon as practicable, consistent with subsection (b) and section 103(a), but not later than 3 years after the date of enactment of this Act, and as appropriate thereafter, the Secretary shall conduct oil and gas lease sales under the Outer Continental Shelf lands Act (43 U.S.C. 1331 et seq.) for areas that are made available for leasing by this section.

SEC. 103. COASTAL STATE ROLES AND RESPONSIBILITIES.

(a) STATE APPROVAL OF CERTAIN LEASING REQUIRED.—The Secretary may not conduct any oil and gas leasing or preleasing activity in any area made available for oil and gas leasing by section 102(a) that is located within 100 miles from the coastline and within the seaward lateral boundaries of an adjacent State, unless the adjacent State has enacted a law approving of the issuance of such leasing by the Secretary.

(b) CONSULTATION WITH ADJACENT AND NEIGHBORING STATES.—

(1) IN GENERAL.—In addition to the consultation provided for under section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345), the Governor of a State that has a coastline within 100 miles of an area of the Outer Continental Shelf being considered for oil and gas leasing and made available for such leasing by section 102(a) may submit recommendations to the Secretary with respect to—

(A) the size, timing, or location of a proposed lease sale; or

(B) a proposed development and production plan.

(2) REQUIREMENTS.—Subsections (b), (c), and (d) of section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) shall apply to the recommendations provided for in paragraph (1).

SEC. 104. PROTECTION OF THE ENVIRONMENT AND CONSERVATION OF THE NATURAL RESOURCES OF THE OUTER CONTINENTAL SHELF.

The Secretary—

(1) shall ensure that any activity under this subtitle is carried out in a manner that provides for the protection of the coastal environment, marine environment, and human environment of State coastal zones and the Outer Continental Shelf; and

(2) shall review all Federal regulations that are otherwise applicable to activities authorized by this subtitle to ensure environmentally sound oil and gas operations on the Outer Continental Shelf.

SEC. 105. LIMITATIONS.

(a) COMPLIANCE WITH MEMORANDUM.—Any oil and gas leasing of areas of the Outer Continental Shelf shall be conducted in accordance with the document entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns On The Outer Continental Shelf'' and dated July 2, 1983, and such revisions thereto as may be agreed to by the Secretary of Defense and the Secretary of the Interior; except that no such revisions may be made prior to January 21, 2009.

(b) NATIONAL SECURITY.—Notwithstanding subsection (a), the United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

SEC. 106. PROHIBITION ON LEASING IN CERTAIN FEDERAL PROTECTED AREAS.

(a) IN GENERAL.—Notwithstanding any other provision of this or any other Federal law, no lease or other authorization may be issued by the Federal Government that authorizes exploration, development, or production of oil or natural gas in—

(1) any marine national monument or national marine sanctuary; or

(2) the fishing grounds known as Georges Bank in the waters of the United States, which is one of the largest and historically important fishing grounds of the United States.

(b) IDENTIFICATION OF COORDINATES OF GEORGES BANK.—The Secretary of Commerce, after publication of public notice and an opportunity for public comment, shall identify the specific coordinates that delineate Georges Bank in the waters of the United States for purposes of subsection (a).

SEC. 107. NO EFFECT ON APPLICABLE LAW.

Except as otherwise specifically provided in this subtitle, nothing in this subtitle waives or modifies any applicable environmental or other law.

SEC. 108. BUY AMERICAN REQUIREMENTS.

(a) IN GENERAL.—It is the intent of Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from domestic sources. Moreover, the Congress intends to monitor the deployment of personnel and material onshore and offshore to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking ''regulations which'' and inserting ''regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4 of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that''.

SEC. 109. SMALL, WOMAN-OWNED, AND MINORITY-OWNED BUSINESSES.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) OPPORTUNITIES FOR LEASING.—The Secretary shall establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and may implement, where appropriate, outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases.''.

SEC. 110. DEFINITIONS.

In this subtitle:

(1) ADJACENT STATE.—The term ''adjacent State'' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved in accordance with the Outer Continental Shelf Lands Act (43U.S.C. 1331 et seq.), the State, the laws of which are declared pursuant to section 4(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C.1333(a)(2)) to be the law of the United States for the portion of the Outer Continental Shelf on which the program, plan, lease sale, leased tract, or activity is, or is proposed to be, conducted.

(2) COASTAL ENVIRONMENT.—The term ''coastal environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) COASTAL ZONE.—The term ''coastal zone'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(4) COASTLINE.—The term ''coastline'' has the meaning given the term ''coast line'' under section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(5) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(6) MARINE ENVIRONMENT.—The term ''marine environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(7) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' has the meaning given the term ''outer Continental Shelf'' under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(8) SEAWARD LATERAL BOUNDARY.—The term ''seaward lateral boundary'' means a boundary drawn by the Minerals Management Service in the Federal Register notice of January 3, 2006 (vol 71, no. 1).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle B—Diligent Development of Federal Oil and Gas Leases

SEC. 121. CLARIFICATION.

The lands subject to each lease that authorizes the exploration for or development or production of oil or natural gas that is issued under a provision of law described in section 122 shall be diligently developed for such production by the person holding the lease in order to ensure timely production from the lease.

SEC. 122. COVERED PROVISIONS.

The provisions referred to in section 121 are the following:

(1) Section 17 of the Mineral Leasing Act (30 U.S.C. 226).

(2) Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a).

(3) The Outer Continental Shelf Lands Act (43 11 U.S.C. 1331 et seq.).

(4) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

SEC. 123. REGULATIONS.

The Secretary shall issue regulations within 180 days after the date of enactment of this Act that establish what constitutes diligently developing for purposes of this subtitle.

SEC. 124. RESOURCE ESTIMATES AND LEASING PROGRAM MANAGEMENT INDICATORS.

(a) IN GENERAL.—The Secretary of the Interior shall annually collect and report to Congress—

(1) the number of leases and the number of acres of land under Federal onshore oil and gas lease, per State and per year the lease was issued—

(A) on which seismic exploration activity is occurring or has occurred;

(B) on which permits to drill have been applied for, but not yet awarded;

(C) on which permits to drill have been approved, but no drilling has yet occurred;

(D) on which wells have been drilled but no production has occurred; and

(E) on which production is occurring;

(2) resource estimates for and the number of acres of Federal onshore and offshore lands, by State or offshore planning area—

(A) under lease, per year the lease was issued;

(B) under lease and not producing, per year the lease was issued;

(C) under lease and drilled, but not producing, per year the lease was issued;

(D) offered for lease in a lease sale conducted during the previous year, but not leased; and

(E) available for leasing but not under lease or offered for leasing in the previous year;

(3) resource estimates for and the number of acres of unleased Federal onshore and offshore land available for oil and gas leasing;

(4) resource estimates for and the number of acres of areas of the Outer Continental Shelf—

(A) included in proposed sale areas in the most recent 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(B) available for oil and gas leasing but not included in the 5-year plan;

(5) the number of leases and the number of acres of Federal onshore land, per Bureau of Land Management field office, offered in a lease sale conducted during the previous year, including data on the number of protests filed and how many lease tracts were withdrawn as a result of such protests, and how many leases were offered and issued with stipulations as a result of those protests, including the name of the entity or entities filing the protests;

(6) the number of applications for permits to drill received, approved, pending, and denied, in the previous year per Bureau of Land Management and Minerals Management Service field office;

(7) the number of environmental inspections conducted per State and per Bureau of Land Management and Minerals Management Service field office in the previous year; and

(8) the number of full time staff equivalent (FTEs) devoted to permit processing and oversight per Bureau of Land Management and Minerals Management Service field office.

(b) COVERED PROVISIONS.—Subsection (a) shall apply with respect to leases and land eligible for leasing pursuant to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226);

(2) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(3) section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a); or

(4) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

Subtitle C—Royalties Under Offshore Oil and Gas Leases

SEC. 131. SHORT TITLE.

This subtitle may be cited as the ''Royalty Relief for American Consumers Act of 2008''.

SEC. 132. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any oil and gas lease issued for any Gulf of Mexico tract during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2006. Existing lease provisions shall prevail through September 30, 2006.

SEC. 133. CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.

Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 134. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES; CONSERVATION OF RESOURCES FEES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless—

(A) the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(B) the person has—

(i) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(ii) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person or entity who has any direct or indirect interest in, or who derives any benefit from, a covered lease;

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for nonproducing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at $3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(c) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless—

(1) the lessee or other person has—

(A) renegotiated all covered leases of the lessee or other person; and

(B) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) the lessee or other person has—

(A) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(B) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 135. STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE.

(a) IN GENERAL.—For budgetary purposes, the net increase in Federal receipts by reason of the enactment of this Act shall be held in a separate account to be known as the ''Strategic Energy Efficiency and Renewables Reserve''. The Strategic Energy Efficiency and Renewables Reserve shall be available to offset the cost of subsequent legislation—

(1) to accelerate the use of clean domestic renewable energy resources and alternative fuels;

(2) to promote the utilization of energy-efficient products and practices and energy conservation;

(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies;

(4) to provide increased assistance for low income home energy and weatherization programs;

(5) to further the purposes set forth in section 1(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4); and

(6) to increase research, development, and demonstration of carbon capture and sequestration technologies.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in subsection (a) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in paragraph (2) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of Congressional Budget Act of 1974; and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of Congressional Budget Act of 1974.

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the total of the receipts over a 10-year period, as estimated by the Congressional Budget Office upon the enactment of this Act.

Subtitle D—Accountability and Integrity in the Federal Energy Program

SEC. 141. ROYALTY IN-KIND.

Section 342(d) of the Energy Policy Act of 2005 (42 U.S.C. 15902(d)) is amended to read as follows:

''(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary may receive oil or gas royalties in-kind only if the Secretary determines that receiving royalties in-kind provides benefits to the United States that are greater than or equal to the benefits that would likely be received if the royalties were taken in-value, and if the Secretary determines that receiving royalties in-kind is consistent with the fiduciary duties of the Secretary on behalf of the American people.''.

SEC. 142. FAIR RETURN ON PRODUCTION OF FEDERAL OIL AND GAS RESOURCES.

(a) ROYALTY PAYMENTS.—The Secretary of the Interior shall take all steps necessary to ensure that lessees under leases for exploration, development, and production of oil and natural gas on Federal lands, including leases under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Outer Continental Shelf Lands Act (30 U.S.C. 1331 et seq.), and all other mineral leasing laws, are making prompt, transparent, and accurate royalty payments under such leases.

(b) RECOMMENDATIONS FOR LEGISLATIVE ACTION.—In order to facilitate implementation of subsection (a), the Secretary of the Interior shall, within 180 days after the date of enactment of this Act and in consultation with the affected States, prepare and transmit to Congress recommendations for legislative action to improve the accurate collection of Federal oil and gas royalties.

SEC. 143. ROYALTY-IN-KIND ETHICS.

(a) GIFT BAN.—

(1) PROHIBITION.—No employee of the Minerals Management Service may—

(A) accept gifts of any value from any prohibited source; or

(B) seek, accept, or hold employment with any prohibited source.

(2) PENALTY.—Any person who violates paragraph (1) shall be subject to such penalties as the Secretary of the Interior considers appropriate, which may include suspension without pay or termination.

(b) TRAINING.—The Secretary of the Interior shall implement a robust ethics training program for employees of the Royalty-In-Kind division of the Minerals Management Service that is in addition to the standard ethics training that such employees are already required to attend. Such additional training program shall require written certification by each such employee that the employee knows and understands the ethics requirements by which the employee is bound.

(c) CODE OF ETHICS.—The Secretary of the Interior shall promulgate, within 180 days after the date of the enactment of this Act, a code of ethics for all employees of the Minerals Management Service. The code of ethics shall provide clear direction relating to the obligations, prohibitions, and consequences of misconduct.

(d) DRUG TESTING.—The Secretary of the Interior shall, within 180 days after the date of the enactment of this Act, implement a random drug testing program for the employees of the royalty-in-kind division of the Minerals Management Service.

(e) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift''—

(A) includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

(B) includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(2) PROHIBITED SOURCE.—The term ''prohibited source'' means, with respect to an employee, any person who—

(A) is seeking official action by the Minerals Management Service;

(B) does business or seeks to do business with the Minerals Management Service;

(C) conducts activities regulated by the Minerals Management Service;

(D) has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or

(E) is an organization a majority of whose members are described in any of subparagraphs (A) through (D).

(f) OTHER ETHICS REQUIREMENTS APPLY.—The prohibitions and requirements under this section are to be in addition to any other requirements that apply to employees of the Minerals Management Service.

SEC. 144. PROHIBITION ON CERTAIN GIFTS.

Section 201 of title 18, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f); and

(2) by inserting after subsection (c) the following new subsection:

''(d)(1) Whoever—

''(A) seeking or holding one or more leases of property from the United States, through the Minerals Management Service of the Department of the Interior, for purposes of oil or mineral extraction, knowingly engages in a course of conduct that consists of providing things of value to a public official of, or person who has been selected to be a public official of, the Minerals Management Service, because of the official's or person's position in the Minerals Management Service; or

''(B) being a public official of, or person who has been selected to be a public official of, the Minerals Management Service of the Department of the Interior, knowingly engages in a course of conduct consisting of receiving things of value, knowing that such things of value were provided because of the official's or person's position in the Minerals Management Service, from a person seeking or holding one or more leases of property from the United States, through the Minerals Management Service, for purposes of oil or mineral extraction;

shall be fined under this title, imprisoned for not more than two years, or both, except that a corporation, partnership, or other organization that violates subparagraph (A) shall be fined $25,000,000 and an amount equal to its gross revenues arising, during the period in which the course of conduct described in subparagraph (A) occurred, from the lease or leases described in that subparagraph.

''(2) For purposes of this subsection, the term 'course of conduct' means a series of acts over a period of time evidencing a continuity of purpose.

''(3)(A) The Attorney General may bring a civil action in the appropriate United States district court against any corporation, partnership, or other organization that engages in conduct constituting an offense under paragraph (1)(A) and, upon proof of such conduct by a preponderance of the evidence, such corporation, partnership, or other organization shall be subject to a civil penalty of not more than $25,000,000 and an amount equal to its gross revenues arising, during the period in which the course of conduct described in paragraph (1)(A) occurred, from the lease or leases described in that paragraph.

''(B) If a corporation, partnership, or other organization is held liable for a civil penalty under subparagraph (A) for a violation of paragraph (1)(A), the United States may terminate the lease or leases that were the subject to the violation, and the United States shall not be liable for any damages to any party to such lease or leases by reason of such termination.

''(C) The imposition of a civil penalty under this paragraph does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available to the United States, or any other person, under this section or any other law.''.

SEC. 145. STRENGTHENING THE ABILITY OF THE INTERIOR DEPARTMENT INSPECTOR GENERAL TO SECURE COOPERATION.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF THE INTERIOR

''SEC. 8L. Notwithstanding section 6(a)(4), the Inspector General of the Department of the Interior may, in any inquiry or investigation involving leases of property from the United States through the Minerals Management Services for purposes of oil and mineral extraction, require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium, including electronically stored information and tangible things, and testimony necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, that procedures other than subpoenas shall be used by the Inspector General to obtain documents, information, or testimony from Federal agencies.''.

Subtitle E—Federal Oil and Gas Royalty Reform

SEC. 151. AMENDMENTS TO DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (20)(A), by striking '': *Provided*, That'' and all that follows through ''subject of the judicial proceeding'';

(2) in paragraph (20)(B), by striking ''(with written notice to the lessee who designated the designee)'';

(3) in paragraph (23)(A), by striking ''(with written notice to the lessee who designated the designee)'';

(4) by amending paragraph (24) to read as follows:

''(24) 'designee' means any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);'';

(5) in paragraph (25)(B), by striking ''(subject to the provisions of section 102(a) of this Act)''; and

(6) in paragraph (26), by striking ''(with notice to the lessee who designated the designee)''.

SEC. 152. INTEREST.

(a) ESTIMATED PAYMENTS; INTEREST ON AMOUNT OF UNDERPAYMENT.—Section 111(j) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721(j)) is amended by striking ''If the estimated payment exceeds the actual royalties due, interest is owed on the overpayment.''.

(b) OVERPAYMENTS.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by striking subsections (h) and (i).

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective one year after the date of enactment of this Act.

SEC. 153. OBLIGATION PERIOD.

Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following:

''(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) (30 U.S.C. 1721a(a)) in which a recoupment by the lessee results in an underpayment of an obligation, for purposes of this Act the obligation becomes due on the date the lessee or its designee makes the adjustment.''.

SEC. 154. TOLLING AGREEMENTS AND SUBPOENAS.

(a) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended by striking ''(with notice to the lessee who designated the designee)''.

(b) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking ''(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)''.

SEC. 155. LIABILITY FOR ROYALTY PAYMENTS.

Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

''(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease or under the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary or the applicable delegated State. Any person who pays, offsets or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act. Notwithstanding any other provision of this Act to the contrary, a designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease.''.

Subtitle F—National Petroleum Reserve in Alaska

SEC. 161. SHORT TITLE.

This subtitle may be cited as the ''Drill Responsibly in Leased Lands Act of 2008''.

SEC. 162. ACCELERATION OF LEASE SALES FOR NATIONAL PETROLEUM RESERVE IN ALASKA.

Section 107(d) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(d)) is amended—

(1) by striking ''(d)'' and all that follows through ''; first lease sale'' and inserting the following:

''(d) LEASE SALES.—

''(1) FIRST LEASE SALE.—The first lease sale''; and

(2) by adding at the end the following:

''(2) SUBSEQUENT LEASE SALES.—The Secretary shall accelerate, to the maximum extent practicable, competitive and environmentally responsible leasing of oil and gas in the Reserve in accordance with this Act and all applicable environmental laws, including at least 1 lease sale during each of calendar years 2009 through 2013.''.

SEC. 163. NATIONAL PETROLEUM RESERVE IN ALASKA: PIPELINE CONSTRUCTION.

The Federal Energy Regulatory Commission shall facilitate, in an environmentally responsible manner and in coordination with the Secretary of the Interior, the Secretary of Transportation, the Secretary of Energy, and the State of Alaska, the construction of pipelines necessary to transport oil and natural gas from or through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska.

SEC. 164. ALASKA NATURAL GAS PIPELINE PROJECT FACILITATION.

(a) FINDINGS.—Congress finds the following:

(1) Over 35 trillion cubic feet of natural gas reserves have been discovered on Federal and State lands currently open to oil and natural gas leasing on the North Slope of Alaska.

(2) These gas supplies could make a significant contribution to meeting the energy needs of the United States, but the lack of a natural gas transportation system has prevented these natural gas reserves from reaching markets in the lower 48 States.

(b) FACILITATION BY PRESIDENT.—The President shall, pursuant to the Alaska Natural Gas Pipeline Act (division C of Public Law 108–324; 15 U.S.C. 720 et seq.) and other applicable law, coordinate with producers of natural gas on the North Slope of Alaska, Federal agencies, the State of Alaska, Canadian authorities, pipeline companies, and other interested persons in order to facilitate construction of a natural gas pipeline from Alaska to United States markets as expeditiously as possible.

SEC. 165. PROJECT LABOR AGREEMENTS AND OTHER PIPELINE REQUIREMENTS.

(a) PROJECT LABOR AGREEMENTS.—The President, as a term and condition of any permit required under Federal law for the pipelines referred to in section 163 and 164, and in recognizing the Government's interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of such pipelines to be developed under such permits and the special concerns of the holders of such permits, shall require that the operators of such pipelines and their agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction for such pipelines.

(b) PIPELINE MAINTENANCE.—The Secretary of Transportation shall require every pipeline operator authorized to transport oil and gas produced under Federal oil and gas leases in Alaska through the Trans-Alaska Pipeline, any pipeline constructed pursuant to section 163 or 164 of this Act, or any other federally approved pipeline transporting oil and gas from the North Slope of Alaska, to certify to the Secretary of Transportation annually that such pipeline is being fully maintained and operated in an efficient manner. The Secretary of Transportation shall assess appropriate civil penalties for violations of this requirement in the same manner as civil penalties are assessed for violations under section 60122(a)(1) of title 49, United States Code.

SEC. 166. BAN ON EXPORT OF ALASKAN OIL.

(a) REPEAL OF PROVISION AUTHORIZING EXPORTS.—Section 28(s) of the Mineral Leasing Act (30 U.S.C. 185(s)) is repealed.

(b) REIMPOSITION OF PROHIBITION ON CRUDE OIL EXPORTS.—Upon the effective date of this Act, subsection (d) of section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)), shall be effective, and any other provision of that Act (including sections 11 and 12) shall be effective to the extent necessary to carry out such section 7(d), notwithstanding section 20 of that Act or any other provision of law that would otherwise allow exports of oil to which such section 7(d) applies.

Subtitle G—Oil Shale

SEC. 171. OIL SHALE LEASING.

(a) REPEAL OF RESTRICTION.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2152) is repealed.

(b) REQUIREMENT THAT STATE APPROVE OF OIL SHALE LEASING.—Section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927) is amended by adding at the end the following:

''(t) REQUIREMENT THAT STATE APPROVE OF OIL SHALE LEASING.—No lease may be issued under this section, section 21 of the Mineral Leasing Act (30 U.S.C. 241), or any other law, for exploration, research, development, or production of oil shale on lands located in a State, unless the State has enacted a law approving of Federal oil shale leasing in the State. Nothing in this subsection shall be construed as preventing the Department of the Interior from preparing an environmental impact statement under the existing authority under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with

respect to an individual lease sale proposed under the commercial leasing program established under this section.''.

TITLE II—CONSUMER ENERGY SUPPLY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Consumer Energy Supply Act of 2008''.

SEC. 202. DEFINITIONS.

In this title—

(1) the term ''light grade petroleum'' means crude oil with an API gravity of 30 degrees or higher;

(2) the term ''heavy grade petroleum'' means crude oil with an API gravity of 26 degrees or lower; and

(3) the term ''Secretary'' means the Secretary of Energy.

SEC. 203. SALE AND REPLACEMENT OF OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) INITIAL PETROLEUM SALE AND REPLACEMENT.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary shall publish a plan not later than 15 days after the date of enactment of this Act to—

(1) sell, in the amounts and on the schedule described in subsection (b), light grade petroleum from the Strategic Petroleum Reserve and acquire an equivalent volume of heavy grade petroleum;

(2) deposit the cash proceeds from sales under paragraph (1) into the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247); and

(3) from the cash proceeds deposited pursuant to paragraph (2), withdraw the amount necessary to pay for the direct administrative and operational costs of the sale and acquisition.

(b) AMOUNTS AND SCHEDULE.—The sale and acquisition described in subsection (a) shall require the offer for sale of a total quantity of 70,000,000 barrels of light grade petroleum from the Strategic Petroleum Reserve. The sale shall commence, whether or not a plan has been published under subsection (a), not later than 30 days after the date of enactment of this Act and be completed no more than six months after the date of enactment of this Act, with at least 20,000,000 barrels to be offered for sale within the first 60 days after the date of enactment of this Act. In no event shall the Secretary sell barrels of oil under subsection (a) that would result in a Strategic Petroleum Reserve that contains fewer than 90 percent of the total amount of barrels in the Strategic Petroleum Reserve as of the date of enactment of this Act. Heavy grade petroleum, to replace the quantities of light grade petroleum sold under this section, shall be obtained through acquisitions which—

(1) shall commence no sooner than 6 months after the date of enactment of this Act;

(2) shall be completed, at the discretion of the Secretary, not later than 5 years after the date of enactment of this Act;

(3) shall be carried out in a manner so as to maximize the monetary value to the Federal Government; and

(4) shall be carried out using the receipts from the sales of light grade petroleum authorized under this section.

(c) DEFERRALS.—The Secretary is encouraged to, when economically beneficial and practical, grant requests to defer scheduled deliveries of petroleum to the Reserve under subsection (a) if the deferral will result in a premium paid in additional barrels of oil which will reduce the cost of oil acquisition and increase the volume of oil delivered to the Reserve or yield additional cash bonuses.

TITLE III—PUBLIC TRANSPORTATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Saving Energy Through Public Transportation Act of 2008''.

SEC. 302. FINDINGS.

Congress finds the following:

(1) In 2007, people in the United States took more than 10.3 billion trips using public transportation, the highest level in 50 years.

(2) Public transportation use in the United States is up 32 percent since 1995, a figure that is more than double the growth rate of the Nation's population and is substantially greater than the growth rate for vehicle miles traveled on the Nation's highways for that same period.

(3) Public transportation use saves fuel, reduces emissions, and saves money for the people of the United States.

(4) The direct petroleum savings attributable to public transportation use is 1.4 billion gallons per year, and when the secondary effects of transit availability on travel are also taken into account, public transportation use saves the United States the equivalent of 4.2 billion gallons of gasoline per year (more than 11 million gallons of gasoline per day).

(5) Public transportation use in the United States is estimated to reduce carbon dioxide emissions by 37 million metric tons annually.

(6) An individual who commutes to work using a single occupancy vehicle can reduce carbon dioxide emissions by 20 pounds per day (more than 4,800 pounds per year) by switching to public transportation.

(7) Public transportation use provides an affordable alternative to driving, as households that use public transportation save an average of $6,251 every year.

(8) Although under existing laws Federal employees in the National Capital Region receive transit benefits, transit benefits should be available to all Federal employees in the United States so that the Federal Government sets a leading example of greater public transportation use.

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

(10) Increasing public transportation use is a national priority.

SEC. 303. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned, not later than 7 days after the date on which the funds are appropriated, in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5311. Such funds shall be apportioned, not later than 7 days after the date on which the funds are appropriated, in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, those operating costs of equipment and facilities being used to provide the public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will expand public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating and capital costs of equipment and facilities being used to provide the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient incurs as a result of the expansion of such service.

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

(5) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand, commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

SEC. 304. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act

(42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act unless the grant recipient requests a lower grant percentage.

SEC. 305. TRANSPORTATION FRINGE BENEFITS.

(a) REQUIREMENT THAT AGENCIES OFFER TRANSIT PASS TRANSPORTATION FRINGE BENEFITS TO THEIR EMPLOYEES NATIONWIDE.—

(1) IN GENERAL.—Section 3049(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) by striking ''Effective'' and all that follows through ''each covered agency'' and inserting ''Each agency''; and

(B) by inserting ''at a location in an urbanized area of the United States that is served by fixed route public transportation'' before ''shall be offered''.

(2) CONFORMING AMENDMENTS.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (4) by striking ''a covered agency'' and inserting ''an agency''.

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: '', except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.''.

(c) GUIDANCE.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding at the end the following:

''(5) GUIDANCE.—

''(A) ISSUANCE.—Not later than 60 days after the date of enactment of this paragraph, the Secretary of Transportation shall issue guidance on nationwide implementation of the transit pass transportation fringe benefits program under this subsection.

''(B) UNIFORM APPLICATION.—

''(i) IN GENERAL.—The guidance to be issued under subparagraph (A) shall contain a uniform application for use by all Federal employees applying for benefits from an agency under the program.

''(ii) REQUIRED INFORMATION.—As part of such an application, an employee shall provide, at a minimum, the employee's home and work addresses, a breakdown of the employee's commuting costs, and a certification of the employee's eligibility for benefits under the program.

''(iii) WARNING AGAINST FALSE STATEMENTS.—Such an application shall contain a warning against making false statements in the application.

''(C) INDEPENDENT VERIFICATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain independent verification requirements to ensure that, with respect to an employee of an agency—

''(i) the eligibility of the employee for benefits under the program is verified by an official of the agency;

''(ii) employee commuting costs are verified by an official of the agency; and

''(iii) records of the agency are checked to ensure that the employee is not receiving parking benefits from the agency.

''(D) PROGRAM IMPLEMENTATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain program implementation requirements applicable to each agency to ensure that—

''(i) benefits provided by the agency under the program are adjusted in cases of employee travel, leave, or change of address;

''(ii) removal from the program is included in the procedures of the agency relating to an employee separating from employment with the agency; and

''(iii) benefits provided by the agency under the program are made available using an electronic format (rather than using paper fare media) where such a format is available for use.

''(E) ENFORCEMENT AND PENALTIES.—The guidance to be issued under subparagraph (A) shall contain a uniform administrative policy on enforcement and penalties. Such policy shall be implemented by each agency to ensure compliance with program requirements, to prevent fraud and abuse, and, as appropriate, to penalize employees who have abused or misused the benefits provided under the program.

''(F) PERIODIC REVIEWS.—The guidance to be issued under subparagraph (A) shall require each agency, not later than September 1 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, to develop and submit to the Secretary a review of the agency's implementation of the program. Each such review shall contain, at a minimum, the following:

''(i) An assessment of the agency's implementation of the guidance, including a summary of the audits and investigations, if any, of the program conducted by the Inspector General of the agency.

''(ii) Information on the total number of employees of the agency that are participating in the program.

''(iii) Information on the total number of single occupancy vehicles removed from the roadway network as a result of participation by employees of the agency in the program.

''(iv) Information on energy savings and emissions reductions, including reductions in greenhouse gas emissions, resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(v) Information on reduced congestion and improved air quality resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(vi) Recommendations to increase program participation and thereby reduce single occupancy vehicle use by Federal employees nationwide.

''(6) REPORTING REQUIREMENTS.—Not later than September 30 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on nationwide implementation of the transit pass transportation fringe benefits program under this subsection, including a summary of the information submitted by agencies pursuant to paragraph (5)(F).''.

(d) EFFECTIVE DATE.—Except as otherwise specifically provided, the amendments made by this section shall become effective on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 306. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amounts referred to in paragraph (1) are any amounts expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

SEC. 307. NATIONAL CONSUMER AWARENESS PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

SEC. 308. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S. C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

TITLE IV—GREATER ENERGY EFFICIENCY IN BUILDING CODES

SEC. 401. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

"SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES.—(1) The Secretary shall support updating the national model building energy codes and standards at least every three years to achieve overall energy savings, compared to the 2006 IECC for residential buildings and ASHRAE Standard 90.1–2004 for commercial buildings, of at least—

''(A) 30 percent in editions of each model code or standard released in or after 2010; and

''(B) 50 percent in editions of each model code or standard released in or after 2020.

Targets for specific years shall be set by the Secretary at least 3 years in advance of each target year, coordinated with the IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective.

''(2)(A) Whenever the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 12 months after the date of such revision, on—

''(i) whether such revision will improve energy efficiency in buildings; and

''(ii) whether such revision will meet the targets under paragraph (1).

''(B) If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets under paragraph (1), or if a national model code or standard is not updated for more than three years, then the Secretary shall, within 12 months after such determination, establish a modified code or standard that meets such targets. Any such modified code or standard—

''(i) shall achieve the maximum level of energy savings that is technologically feasible and life-cycle cost-effective;

''(ii) shall be based on the latest revision of the IECC or ASHRAE Standard 90.1, including any amendments or additions thereto, but may also consider other model codes or standards; and

''(iii) shall serve as the baseline for the next determination under subparagraph (A)(i).

''(C) The Secretary shall provide the opportunity for public comment on targets, determinations, and modified codes and standards under this subsection, and shall publish notice of targets, determinations, and modified codes and standards under this subsection in the Federal Register.

''(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—(1) Not later than 2 years after the date of enactment of this subsection, each State shall certify to the Secretary that it has reviewed and updated the provisions of its residential and commercial building codes regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the 2006 IECC for residential buildings and the ASHRAE Standard 90.1–2007 for commercial buildings, or achieve equivalent or greater energy savings.

''(2)(A) If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), each State shall, within 2 years after such determination or establishment, certify that it has reviewed and updated the provisions of its building code regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the revised code or standard, or achieve equivalent or greater energy savings.

''(B) If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or makes a negative determination, each State shall within 2 years after the specified date or the date of the determination, certify that it has reviewed the revised code or standard, and updated the provisions of its building code regarding energy efficiency to meet or exceed any provisions found to improve energy efficiency in buildings, or to achieve equivalent or greater energy savings in other ways.

''(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—(1) Each State shall, not later than 3 years after a certification under subsection (b), certify that it has—

''(A) achieved compliance under paragraph (3) with the certified State building energy code or with the associated model code or standard; or

''(B) made significant progress under paragraph (4) toward achieving compliance with the certified State building energy code or with the associated model code or standard. If the State certifies progress toward achieving compliance, the State shall repeat the certification each year until it certifies that it has achieved compliance.

''(2) A certification under paragraph (1) shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the code in the preceding year, or based on an alternative method that yields an accurate measure of compliance.

''(3)(A) A State shall be considered to achieve compliance under paragraph (1) if—

''(i) at least 90 percent of new and renovated building space covered by the code in the preceding year substantially meets all the requirements of the code regarding energy efficiency, or achieves an equivalent energy savings level; or

''(ii) the estimated excess energy use of new and renovated buildings that did not meet the code in the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 5 percent of the estimated energy use of all new and renovated buildings covered by the code in the preceding year.

''(B) Only renovations with building permits are covered under this paragraph. If the Secretary determines the percentage targets under subparagraph (A) are not reasonably achievable for renovated residential or commercial buildings, the Secretary may reduce the targets for such renovated buildings to the highest achievable level.

''(4)(A) A State shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State—

''(i) has developed and is implementing a plan for achieving compliance within 8 years, assuming continued adequate funding, including active training and enforcement programs;

''(ii) after one or more years of adequate funding, has demonstrated progress, in conformance with the plan described in clause (i), toward compliance;

''(iii) after five or more years of adequate funding, meets the requirement in paragraph (3) substituting 80 percent for 90 percent or substituting 10 percent for 5 percent; and

''(iv) has not had more than 8 years of adequate funding.

''(B) Funding shall be considered adequate, for purposes of this paragraph, when the Federal Government provides to the States at least $50,000,000 in a year in funding and support for development and implementation of State building energy codes, including for training and enforcement.

''(d) FAILURE TO MEET DEADLINES.—(1) A State that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

''(A) the status of the State with respect to meeting the requirements and submitting the certification; and

''(B) a plan for meeting the requirements and submitting the certification.

''(2) Any State for which the Secretary has not accepted a certification by a deadline under subsection (b) or (c) of this section is out of compliance with this section.

''(3) In any State that is out of compliance with this section, a local government may be in compliance with this section by meeting the certification requirements under subsections (b) and (c) of this section.

''(4) The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on the status of national model building energy codes and standards, the status of code adoption and compliance in the States, and implementation of this section. The report shall include estimates of impacts of past action under this section and potential impacts of further action on lifetime energy use by buildings and resulting energy costs to individuals and businesses.

''(e) TECHNICAL ASSISTANCE.—(1) The Secretary shall on a timely basis provide technical assistance to model code-setting and standard development organizations. This assistance shall include technical assistance as requested by the organizations in evaluating code or standards proposals or revisions, building energy analysis and design tools, building demonstrations, and design assistance and training. The Secretary shall submit code and standard amendment proposals, with supporting evidence, sufficient to enable the national model building energy codes and standards to meet the targets in subsection (a)(1).

''(2) The Secretary shall provide technical assistance to States to implement the requirements of this section, including procedures for States to demonstrate that their code provisions achieve equivalent or greater energy savings than the national model codes and standards, and to improve and implement State residential and commercial building energy efficiency codes or to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—(1) The Secretary shall provide incentive funding to States to implement the requirements of this section, and to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with such codes. In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State to implement the requirements of this section, to improve and implement residential and commercial building energy efficiency codes, and to promote building energy efficiency through the use of such codes.

''(2) Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

''(A) to a State that has adopted and is implementing, on a Statewide basis—

''(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2006 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

''(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1–2007, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

''(B) in a State in which there is no Statewide energy code for either residential buildings or commercial buildings, or where State codes fail to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

''(3) Of the amounts made available under this subsection, the Secretary may use amounts required, not exceeding $500,000 for each State, to train State and local officials to implement codes described in paragraph (2).

''(4) There are authorized to be appropriated to carry out this subsection—

''(A) $70,000,000 for each of fiscal years 2009 through 2013; and

''(B) such sums as are necessary for fiscal year 2014 and each fiscal year thereafter.''.

(b) DEFINITION.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following new paragraph:

''(17) The term 'IECC' means the International Energy Conservation Code.''.

TITLE V—FEDERAL RENEWABLE ELECTRICITY STANDARD

SEC. 501. FEDERAL RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE ELECTRICITY STANDARD.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means each of the following:

''(i) Cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy.

''(ii) Nonhazardous, plant or algal matter that is derived from any of the following:

''(I) An agricultural crop, crop byproduct or residue resource.

''(II) Waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic or metals).

''(iii) Animal waste or animal byproducts.

''(iv) Landfill methane.

''(B) NATIONAL FOREST LANDS AND CERTAIN OTHER PUBLIC LANDS.—With respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term 'biomass' covers only organic material from (i) ecological forest restoration; (ii) pre-commercial thinnings; (iii) brush; (iv) mill residues; and (v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LANDS.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass are not included in the term biomass if they are located on the following Federal lands:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from such land is appropriate for the applicable forest type and maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness Study Areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(2) ELIGIBLE FACILITY.—The term 'eligible facility' means—

''(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2001; or

''(B) a repowering or cofiring increment.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(5) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after January 1, 2001, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

''(B) the additional generation above the average generation in the 3 years preceding the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section: or

''(C) the portion of the electric generation from a facility placed in service on or after January 1, 2001, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—(A) The term 'retail electric supplier' means a person that sells electric energy to electric consumers (other than consumers in Hawaii) that sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year. For purposes of this section, a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less that 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale shall qualify as a retail electric supplier. For purposes of this paragraph, sales by any person to a parent company or to other affiliates of such person shall not be treated as sales to electric consumers.

''(B) Such term does not include the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative, except that a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State or a political subdivision of a State, or a rural electric cooperative that sells electric energy to electric consumers or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier shall be deemed a retail electric supplier if such entity notifies the Secretary that it voluntarily agrees to participate in the Federal renewable electricity standard program.

''(11) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available, excluding—

''(A) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(B) electricity generated through the incineration of municipal solid waste.

''(b) COMPLIANCE.—For each calendar year beginning in calendar year 2010, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, one or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Federal energy efficiency credits issued under subsection (i), except that Federal energy efficiency credits may not be used to meet more than 27 percent of the requirements of subsection (c) in any calendar year. Energy efficiency credits may only be used for compliance in a State where the Governor has petitioned the Secretary pursuant to subjection (i)(2).

''(3) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(3)(G).

''(4) Alternative compliance payments pursuant to subsection (j).

''(c) REQUIRED ANNUAL PERCENTAGE.—For calendar years 2010 through 2039, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources, or otherwise credited towards such percentage requirement pursuant to subsection (d), shall be the percentage specified in the following table:

''Calendar Years	Required annual percentage
2010	2.75
2011	2.75
2012	3.75
2013	4.5
2014	5.5
2015	6.5
2016	7.5
2017	8.25
2018	10.25

"Calendar Years	Required annual percentage
2019	12.25
2020 and thereafter through 2039	15

''(d) RENEWABLE ENERGY AND ENERGY EFFICIENCY CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f) or (g); or

''(C) borrowed under subsection (h).

''(2) A retail electric supplier may satisfy the requirements of subsection (b)(2) through the submission of Federal energy efficiency credits issued to the retail electric supplier obtained by purchase or exchange pursuant to subsection (i).

''(3) A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once. A Federal energy efficiency credit may be counted toward compliance with subsection (b)(2) only once.

''(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—(1) The Secretary shall establish by rule, not later than 1 year after the date of enactment of this section, a program to verify and issue Federal renewable energy credits to generators of renewable energy, track their sale, exchange, and retirement and to enforce the requirements of this section. To the extent possible, in establishing such program, the Secretary shall rely upon existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(2) An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The applicant must demonstrate that the electric energy will be transmitted onto the grid or, in the case of a generation offset, that the electric energy offset would have otherwise been consumed on site. The application shall indicate—

''(A) the type of renewable energy resource used to produce the electricity;

''(B) the location where the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3)(A) Except as provided in subparagraphs (B), (C), and (D), the Secretary shall issue to a generator of electric energy one Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based, on the increase in average annual generation resulting from the efficiency improvements or capacity additions. The incremental generation shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

''(C) The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on such land.

''(D) For electric energy generated by a renewable energy resource at an on-site eligible facility no larger than one megawatt in capacity and used to offset part or all of the customer's requirements for electric energy, the Secretary shall issue 3 renewable energy credits to such customer for each kilowatt hour generated.

''(E) In the case of an on-site eligible facility on Indian land no more than 3 credits per kilowatt hour may be issued.

''(F) If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(G) When a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility, and the contract has not determined ownership of the Federal renewable energy credits associated with such generation, the Secretary shall issue such Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(H) Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at one credit per kilowatt hour for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings up to 27 percent of the utility's requirement that results from those payments.

''(f) EXISTING FACILITIES.—The Secretary shall ensure that a retail electric supplier that acquires Federal renewable energy credits associated with the generation of renewable energy from an existing facility may use such credits for purpose of its compliance with subsection (b)(1). Such credits may not be sold, exchanged, or transferred for the purpose of compliance by another retail electric supplier.

''(g) RENEWABLE ENERGY CREDIT TRADING.—(1) A Federal renewable energy credit, may be sold, transferred, or exchanged by the entity to whom issued or by any other entity who acquires the Federal renewable energy credit, except for those renewable energy credits from existing facilities. A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(2) A federally owned or cooperatively owned utility, or a State or subdivision thereof, that is not a retail electric supplier that generates electric energy by the use of a renewable energy resource at an eligible facility may only sell, transfer or exchange a Federal renewable energy credit to a cooperatively owned utility or an agency, authority, or instrumentality of a State or political subdivision of a State that is a retail electric supplier that has acquired the electric energy associated with the credit.

''(3) The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market and a national energy efficiency credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits and a transparent national market for the sale or trade of Federal energy efficiency credits.

''(h) RENEWABLE ENERGY CREDIT BORROWING.—At any time before the end of calendar year 2012, a retail electric supplier that has reason to believe it will not be able to fully comply with subsection (b) may—

''(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits and Federal energy efficiency credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2012 and the subsequent calendar years involved; and

''(2) upon the approval of the plan by the Secretary, apply Federal renewable energy credits and Federal energy efficiency credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

The retail electric supplier must repay all of the borrowed Federal renewable energy credits and Federal energy efficiency credits by submitting an equivalent number of Federal renewable energy credits and Federal energy efficiency credits, in addition to those otherwise required under subsection (b), by calendar year 2020 or any earlier deadlines specified in the approved plan. Failure to repay the borrowed Federal renewable energy credits and Federal energy efficiency credits shall subject the retail electric supplier to civil penalties under subsection (i) for violation of the requirements of subsection (b) for each calendar year involved.

''(i) ENERGY EFFICIENCY CREDITS.—

''(1) DEFINITIONS.—In this subsection—

''(A) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to—

''(i) consumption at the facility during a base year;

''(ii) in the case of new equipment (regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment), consumption by the new equipment of average efficiency; or

''(iii) in the case of a new facility, consumption at a reference facility.

''(B) ELECTRICITY SAVINGS.—The term 'electricity savings' means—

''(i) customer facility savings of electricity consumption adjusted to reflect any associated increase in fuel consumption at the facility;

''(ii) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses during the base years;

''(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

''(iv) recycled energy savings.

''(C) QUALIFYING ELECTRICITY SAVINGS.—The term 'qualifying electricity savings' means electricity savings that meet the measurement and verification requirements of paragraph (4).

''(D) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that is attributable to electrical or mechanical power, or both, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

''(2) PETITION.—The Governor of a State may petition the Secretary to allow up to 27 percent of the requirements of a retail electric supplier under subsection (c) in the State to be met by submitting Federal energy efficiency credits issued pursuant to this subsection.

''(3) ISSUANCE OF CREDITS.—(A) Upon petition by the Governor, the Secretary shall issue energy efficiency credits for electricity savings described in subparagraph (B) achieved in States described in paragraph (2) in accordance with this subsection.

''(B) In accordance with regulations promulgated by the Secretary, the Secretary shall issue credits for—

''(i) qualified electricity savings achieved by a retail electric supplier in a calendar year; and

''(ii) qualified electricity savings achieved by other entities if—

''(I) the measures used to achieve the qualifying electricity savings were installed or placed in operation by the entity seeking the credit or the designated agent of the entity; and

''(II) no retail electric supplier paid a substantial portion of the cost of achieving the qualified electricity savings (unless the retail electric supplier has waived any entitlement to the credit).

''(4) MEASUREMENT AND VERIFICATION OF ELECTRICITY SAVINGS.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding the measurement and verification of electricity savings under this subsection, including regulations covering—

''(A) procedures and standards for defining and measuring electricity savings that will be eligible to receive credits under paragraph (3), which shall—

''(i) specify the types of energy efficiency and energy conservation that will be eligible for the credits;

''(ii) require that energy consumption for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

''(iii) account for the useful life of electricity savings measures;

''(iv) include specified electricity savings values for specific, commonly-used efficiency measures;

''(v) specify the extent to which electricity savings attributable to measures carried out before the date of enactment of this section are eligible to receive credits under this subsection; and

''(vi) exclude electricity savings that (I) are not properly attributable to measures carried out by the entity seeking the credit; or (II) have already been credited under this section to another entity;

''(B) procedures and standards for third-party verification of reported electricity savings; and

''(C) such requirements for information, reports, and access to facilities as may be necessary to carry out this subsection.

''(5) COMBINED HEAT AND POWER.—Under regulations promulgated by the Secretary, the increment of electricity output of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), shall be considered electricity savings under this subsection.

''(j) ENFORCEMENT.—A retail electric supplier that does not comply with subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of kilowatt-hours represented by the retail electric supplier's failure to comply with subsection (b), multiplied by the lesser of 4.5 cents (adjusted for inflation for such calendar year, based on the Gross Domestic Product Implicit Price Deflator) or 300 percent of the average market value of Federal renewable energy credits and energy efficiency credits for the compliance period. Any such penalty shall be due and payable without demand to the Secretary as provided in the regulations issued under subsection (e).

''(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The Secretary shall accept payment equal to the lesser of:

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 2.5 cents per kilowatt hour adjusted on January 1 of each year following calendar year 2006 based on the Gross Domestic Product Implicit Price Deflator,

as a means of compliance under subsection (b)(4)

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual renewable energy generation of any retail electric supplier, Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1) and Federal energy efficiency credits submitted by a retail electric supplier pursuant to subsection (b)(2);

''(2) annual electricity savings achieved pursuant to subsection (i);

''(3) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(4) the quantity of electricity sales of all retail electric suppliers.

''(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(n) STATE PROGRAMS.—(1) Nothing in this section diminishes any authority of a State or political subdivision of a State to—

''(A) adopt or enforce any law or regulation respecting renewable energy or energy efficiency, including but not limited to programs that exceed the required amount of renewable energy or energy efficiency under this section, or

''(B) regulate the acquisition and disposition of Federal renewable energy credits and Federal energy efficiency credits by retail electric suppliers.

No law or regulation referred to in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having renewable energy programs and energy efficiency programs, shall preserve the integrity of such State programs, including programs that exceed the required amount of renewable energy and energy efficiency under this section, and shall facilitate coordination between the Federal program and State programs.

''(2) In the rule establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy and energy efficiency programs, including State programs, to ensure administrative ease, market transparency, and effective enforcement. The Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(o) RECOVERY OF COSTS.—An electric utility whose sales of electric energy are subject to rate regulation, including any utility whose rates are regulated by the Commission and any State regulated electric utility, shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy and energy efficiency obtained to comply with the requirements of subsection (b). For purposes of this subsection, the definitions in section 3 of this Act shall apply to the terms electric utility, State regulated electric utility, State agency, Commission, and State regulatory authority.

''(p) PROGRAM REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a comprehensive evaluation of all aspects of the program established under this section, within 8 years of enactment of this section. The study shall include an evaluation of—

''(1) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy and energy efficiency technologies;

''(2) the opportunities for any additional technologies and sources of renewable energy and energy efficiency emerging since enactment of this section;

''(3) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(4) the regional resource development relative to renewable potential and reasons for any under investment in renewable resources; and

''(5) the net cost/benefit of the renewable electricity standard to the national and State economies, including retail power costs, economic development benefits of investment, avoided costs related to environmental and congestion mitigation investments that would otherwise have been required, impact on natural gas demand and price, effectiveness of green marketing programs at reducing the cost of renewable resources.

The Secretary shall transmit the results of the evaluation and any recommendations for modifications and improvements to the program to Congress not later than January 1, 2016.

''(q) STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY ACCOUNT PROGRAM.—(1) There is established in the Treasury a State renewable energy and energy efficiency account program.

''(2) All money collected by the Secretary from the alternative compliance payments under subsection (k) shall be deposited into the State renewable energy and energy efficiency account established pursuant to this subsection.

''(3) Proceeds deposited in the State renewable energy and energy efficiency account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants to the State agency responsible for administering a fund to promote renewable energy generation and energy efficiency for customers of the State, or an alternative agency designated by the State, or if no such agency exists, to the State agency developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production and providing energy assistance and weatherization services to low-income consumers.

''(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. At least 75 percent of the funds provided to each State shall be used for promoting renewable energy production and energy efficiency through grants, production incentives or other state-approved funding mechanisms. The funds shall be allocated to the States on the basis of retail electric sales subject to the Renewable electricity Standard under this section or through voluntary participation. State agencies receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS.—The table of contents for such title is amended by adding the following new item at the end:

''Sec. 610. Federal renewable electricity standard.''.

(c) SUNSET.—Section 610 of such title and the item relating to such section 610 in the table of contents for such title are each repealed as of December 31, 2039.

TITLE VI—GREEN RESOURCES FOR ENERGY EFFICIENT NEIGHBORHOODS

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

This title may be cited as the ''Green Resources for Energy Efficient Neighborhoods Act of 2008'' or the ''GREEN Act of 2008''.

SEC. 602. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) GREEN BUILDING STANDARDS.—The term ''green building standards'' means standards to require use of sustainable design principles to reduce the use of nonrenewable resources, encourage energy-efficient construction and rehabilitation and the use of renewable energy resources, minimize the impact of development on the environment, and improve indoor air quality.

(2) HUD.—The term ''HUD'' means the Department of Housing and Urban Development.

(3) HUD ASSISTANCE.—The term ''HUD assistance'' means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(4) NONRESIDENTIAL STRUCTURE.—The term ''nonresidential structures'' means only nonresidential structures that are appurtenant to single family or multifamily housing residential structures, or those that are funded by the Secretary of Housing and Urban Development through the HUD Community Development Block Grant program.

(5) SECRETARY.—The term ''Secretary'', unless otherwise specified, means the Secretary of Housing and Urban Development.

SEC. 603. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

(b) REQUIREMENT FOR APPROPRIATION OF FUNDS.—The requirement under subsection (a) for the Secretary to provide annual energy efficiency participation incentives pursuant to the provisions of this title shall be subject to the annual appropriation of necessary funds.

SEC. 604. MINIMUM HUD ENERGY EFFICIENCY STANDARDS AND STANDARDS FOR ADDITIONAL CREDIT.

(a) MINIMUM HUD STANDARD.—

(1) RESIDENTIAL STRUCTURES.—A residential single family or multifamily structure shall be considered to comply with the energy efficiency requirements under this subsection if—

(A) the structure complies with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2007, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(B) the structure complies with the applicable provisions of the 2006 International Energy Conservation Code, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(C) in the case only of an existing structure, where determined cost effective, the structure has undergone rehabilitation or improvements, completed after the date of the enactment of this Act, and the energy consumption for the structure has been reduced by at least 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption; or

(D) the structure complies with the applicable provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary may adopt and apply by regulation, as may be necessary, for purposes of this section for specific types of residential single family or multifamily structures or otherwise, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklists, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

In addition to compliance with any of subparagraphs (A) through (D), the Secretary shall by regulation require, for any newly constructed residential single family or multifamily structure to be considered to comply with the energy efficiency requirements under this subsection, that the structure have appropriate electrical outlets with the facility and capacity to recharge a standard electric passenger vehicle, including an electric hybrid vehicle, where such vehicle would normally be parked.

(2) NONRESIDENTIAL STRUCTURES.—For purposes of this section, the Secretary shall identify and adopt by regulation, as may be necessary, energy efficiency requirements, standards, checklists, or rating systems applicable to nonresidential structures that are constructed or rehabilitated with HUD assistance. A nonresidential structure shall be considered to comply with the energy efficiency requirements under this subsection if the structure complies with the applicable provisions of any such energy efficiency requirements, standards, checklist, or rating systems identified and adopted by the Secretary pursuant to this paragraph, as such standards are in effect for purposes of this section pursuant to subsection (c).

(b) ADDITIONAL CREDIT FOR COMPLIANCE WITH ENHANCED ENERGY EFFICIENCY STANDARDS.—

(1) IN GENERAL.—In addition to compliance with the energy efficiency requirements under subsection (a), a residential or nonresidential structure shall be considered to comply with the enhanced energy efficiency and conservation standards or the green building standards under this subsection, to the extent that such structure complies with the applicable provisions of the standards under paragraph (2) or (3), respectively (as such standards are in effect for purposes of this section, pursuant to subsection (c)), in a manner that is not required for compliance with the energy efficiency requirements under subsection (a) and subject to the Secretary's determination of which standards are applicable to which structures.

(2) ENERGY EFFICIENCY AND CONSERVATION STANDARDS.—The energy efficiency and conservation standards under this paragraph are as follows:

(A) RESIDENTIAL STRUCTURES.—With respect to residential structures:

(i) NEW CONSTRUCTION.—For new construction, the Energy Star standards established by the Environmental Protection Agency, as such standards are in effect for purposes of this subsection pursuant to subsection (c);

(ii) EXISTING STRUCTURES.—For existing structures, a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with the energy efficiency requirement under subsection (a)(1)(C).

(B) NONRESIDENTIAL STRUCTURES.—With respect to nonresidential structures, such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary shall identify and adopt by regulation, as may be necessary, for purposes of this paragraph.

(3) GREEN BUILDING STANDARDS.—The green building standards under this paragraph are as follows:

(A) The national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist or successor checklist is in effect for purposes of this section pursuant to subsection (c).

(B) The gold certification level for the LEED for New Construction rating system, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, as such systems or successor systems are in effect for purposes of this section pursuant to subsection (c).

(C) The Green Globes assessment and rating system of the Green Buildings Initiative.

(D) For manufactured housing, energy star rating with respect to fixtures, appliances, and equipment in such housing, as such standard or successor standard is in effect for purposes of this section pursuant to subsection (c).

(E) The National Green Building Standard, but such standard shall apply for purposes of this paragraph only—

(i) if such standard is ratified under the American National Standards Institute process;

(ii) upon expiration of the 180-day period beginning upon such ratification; and

(iii) if, during such 180-day period, the Secretary of Housing and Urban Development does not reject the applicability of such standard for purposes of this paragraph.

(F) Any other requirements, standards, checklists, or rating systems for green building or sustainability as the Secretary may identify and adopt by regulation, as may be necessary for purposes of this paragraph, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklist, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

(4) GREEN BUILDING.—For purposes of this subsection, the term ''green building'' means, with respect to standards for structures, standards to require use of sustainable design principles to reduce the use of nonrenewable resources, minimize the impact of development on the environment, and to improve indoor air quality.

(5) ENERGY AUDITS.—The Secretary shall establish standards and requirements for energy audits for purposes of paragraph (2)(A)(ii) and, in establishing such standards, may consult with any advisory committees established pursuant to section 605(c)(2) of this title.

(c) APPLICABILITY AND UPDATING OF STANDARDS.—

(1) APPLICABILITY.—Except as provided in paragraph (2), the requirements, standards, checklists, and rating systems referred to in subsections (a) and (b) that are in effect for purposes of this section are such requirements, standards, checklists, and systems are as in existence upon the date of the enactment of this Act.

(2) UPDATING.—For purposes of this section, the Secretary may adopt and apply by regulation, as may be necessary, future amendments and supplements to, and editions of, the requirements, standards, checklists, and rating systems referred to in subsections (a) and (b).

SEC. 605. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting the enhanced energy efficiency standards under section 604(b). At the discretion of the Secretary, the demonstration program may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996, but only to the extent that such inclusion does not violate such Act, its regulations, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for the projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) promotes the installation, in existing residential buildings, of energy-efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(6) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(7) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(8) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may—

(1) enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings;

(2) establish advisory committees to advise the Secretary and any such third party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities, which committees shall include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, and advocacy organizations for the elderly and persons with disabilities; any advisory committees established pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.);

(3) approve, for a period not to exceed 10 years, additional adjustments in the maximum monthly rents or additional project rental assistance, or additional Indian housing block grant funds under the Native American Housing Assistance and Self-Determination Act of 1996, as applicable, for dwelling units in multifamily housing projects that are provided project-based rental assistance under a covered multifamily assistance program, in such amounts as may be necessary to amortize a portion of the cost of energy efficiency and conservation measures for such projects;

(4) develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures; and

(5) waive or modify any existing statutory or regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances; notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment, except pursuant to existing authority to waive non-statutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of the enactment of this Act, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units and technical and scientific methodologies, and financing options. The Secretary shall ensure that the geographic areas included in the demonstration program include dwelling units on Indian lands (as such term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will comply with the energy efficiency standards under subsection (a), (b), or (c) of section 604 of this title.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which they might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) REPORTS.—

(1) ANNUAL.—Not later than the expiration of the 2-year beginning upon the date of the enactment of this Act, and for each year thereafter during the term of the demonstration program, the Secretary shall submit a report to the Congress annually that describes and assesses the demonstration program under this section.

(2) FINAL.—Not later than six months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit a final report to the Congress assessing the demonstration program, which—

(A) shall assess the potential for expanding the demonstration program on a nationwide basis; and

(B) shall include descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the such assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of the such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(h) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term ''covered multifamily assistance program'' means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable

Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities; and

(4) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(j) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall issue any regulations necessary to carry out this section.

SEC. 606. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in paragraph (2), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

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

''(6) ADDITIONAL CREDIT.—

''(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

''(i) more than 125 percent credit, for such purchases that both—

''(I) comply with the requirements of such goals; and

''(II) support housing that meets the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008; and

''(ii) credit in addition to credit under clause (i), for purchases that both—

''(I) comply with the requirements of such goals, and

''(II) support housing that complies with the enhanced energy efficiency and conservation standards, or the green building standards, under section 604(b) of such Act, or both,

and such additional credit shall be given based on the extent to which the housing supported with such purchases complies with such standards.

''(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 607. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1335 of Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

''(D) MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.—

''(i) DUTY.—Subject to clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy-efficient and location-efficient mortgages on housing for very low-, low-, and moderate income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements, or both.

''(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.'';

(2) by adding at the end the following new subsection:

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ENERGY-EFFICIENT MORTGAGE.—The term 'energy efficient mortgage' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy saving design, construction or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, super-insulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made.

''(2) LOCATION-EFFICIENT MORTGAGE.—The term 'location efficient mortgage' means a mortgage loan under which—

''(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

''(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower.''.

SEC. 608. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f–20) the following new section:

''SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.

''(a) UNDERWRITING STANDARDS.—The Secretary shall establish a method to consider, in its underwriting standards for mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are insured under this Act, the impact that savings on utility costs has on the income of the mortgagor.

''(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 such that at least 50,000 such mortgages are insured during the period beginning upon the date of the enactment of such Act and ending on December 31, 2012.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)) is amended by adding at the end the following new paragraph:

''(3) With respect to each collection period that commences after December 31, 2011, the total number of mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are insured by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such mortgages during such period, the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single-family housing insured under this Act by the Secretary.''.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

''(l) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by subsection (a)(2) of this section, is further amended by adding at the end the following new paragraph:

''(4) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) on single-family housing meeting the enhanced energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184 by the Secretary.''.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended by inserting after subsection (l) the following new subsection:

''(m) ENERGY-EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

''(5) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) on single-family housing meeting the enhanced energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are

guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184A by the Secretary.''.

SEC. 609. ENERGY EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.

Section 106 of the Energy Policy Act of 1992 (12 U.S.C. 1701z–16) is amended by adding at the end the following new subsection:

''(g) EDUCATION AND OUTREACH CAMPAIGN.—

''(1) DEVELOPMENT OF ENERGY-EFFICIENT MORTGAGE OUTREACH PROGRAM.—

''(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades in new mortgage loan transactions.

''(B) REPORT.—Not later than 24 months after the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2008, the Secretary shall provide a written report to the Congress on the results of work of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy efficiency.

''(2) IMPLEMENTATION.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of energy efficient mortgages made available pursuant to this section, energy efficient mortgages that meet the requirements of section 1335 of the Housing and Community Development Act of 1992 (42 U.S.C. 4565), and other mortgages, including mortgages for multifamily housing, that have energy improvement features and to publicize such availability, benefits, advantages, and terms. Such actions may include entering into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

''(3) RENEWABLE ENERGY HOME PRODUCT EXPOS.—The Congress hereby encourages the Secretary of Housing and Urban Development to work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 610. COLLECTION OF INFORMATION ON ENERGY-EFFICIENT AND LOCATION EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 304(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are energy-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992); and

''(6) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are location-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of the enactment of this Act.

SEC. 611. ENSURING AVAILABILITY OF HOMEOWNERS INSURANCE FOR HOMES NOT CONNECTED TO ELECTRICITY GRID.

(a) IN GENERAL.—In the case of any covered structure (as such term is defined in subsection (d)), it shall be unlawful for any insurer to deny homeowners insurance coverage for the structure, or to otherwise discriminate in the issuance, cancellation, amount of such coverage, or conditions of such coverage for the structure, based solely and without any additional actuarial risks upon the fact that the structure is not connected to, or able to receive electricity service from, any wholesale or retail electric power provider.

(b) CONSIDERATION OF ACTUARIAL RISK.—Subsection (a) may not be construed to prevent any insurer from charging rates for homeowners insurance coverage for a structure that are based on a good faith actuarial analysis of the risk associated with the structure not being connected to, or able to receive electricity service from, any wholesale or retail electric power provide. Any good faith analysis of such risk shall include analysis of the manner in which electric power for the structure is provided.

(c) INSURING HOMES AND RELATED PROPERTY IN INDIAN AREAS.—Notwithstanding any other provision of law, covered structures located in Indian areas (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) and constructed or maintained using assistance, loan guarantees, or other authority under the Native American Housing Assistance and Self-Determination Act of 1996 may be insured by any tribally owned self-insurance risk pool approved by the Secretary of Housing and Urban Development.

(d) COVERED STRUCTURE.—For purposes of this section, the term ''covered structure'' means a residential structure that—

(1) consists of one to four dwelling units;

(2) is provided power, heat, or electricity from renewable energy sources (such as solar, wind, geothermal, or biomass) or a fuel cell; and

(3) is not connected to any wholesale or retail electrical power grid.

SEC. 612. MORTGAGE INCENTIVES FOR ENERGY-EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall establish incentives for increasing the energy efficiency of multifamily housing that is subject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that the housing meets the energy efficiency standards under section 604(a) of this title and incentives to encourage compliance of such housing with the energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title, to the extent that such incentives are based on the impact that savings on utility costs has on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—Such incentives may include, for any such multifamily housing that complies with the energy efficiency standards under section 604(a)—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing meeting the standards referred to in subsection (a) is required to contribute.

SEC. 613. ENERGY EFFICIENCY CERTIFICATIONS FOR HOUSING WITH MORTGAGES INSURED BY FHA.

Section 526 of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) in subsection (a)—

(A) by striking '', other than manufactured homes,'' each place such term appears;

(B) by inserting after the period at the end the following: ''The energy performance requirements developed and established by the Secretary under this section for manufactured homes shall require energy star rating for wall fixtures, appliances, and equipment in such housing.'';

(C) by inserting ''(1)'' after ''(a)''; and

(D) by adding at the end the following new paragraphs:

''(2) The Secretary shall require, with respect to any single- or multi-family residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any renewable energy sources, such as wind, solar energy geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by licensed professional architect or engineer. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than the expiration of the 6-month period beginning upon receipt of such request.

''(3) The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.''; and

(2) in subsection (b), by striking '', other than a manufactured home,''.

SEC. 614. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.

(a) AUTHORITY.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall develop and implement a pilot program under this section to facilitate the financing of cost-effective capital improvements for covered assisted housing projects

to improve the energy efficiency and conservation of such projects.

(b) LOANS.—The pilot program under this section shall involve not less than three and not more than five lenders, and shall provide for a privately financed loan to be made for a covered assisted housing project, which shall—

(1) finance capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) have a term to maturity of not more than 20 years, which shall be based upon the duration necessary to realize cost savings sufficient to repay the loan;

(3) be secured by a mortgage subordinate to the mortgage for the project that is insured under the National Housing Act; and

(4) provide for a reduction in the remaining principal obligation under the loan based on the actual resulting cost savings realized from the capital improvements financed with the loan.

(c) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(d) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the project owner shall receive the full financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program.

(e) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term ''covered assisted housing project'' means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under subsection (d)(3) or (d)(4) of section 221 of the National Housing Act (12 U.S.C. 1715l), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

SEC. 615. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

''SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

''(a) IN GENERAL.—To the extent amounts are made available for grants under this section, the Secretary shall make grants under this section to States, metropolitan cities and urban counties, Indian tribes, and insular areas to carry out energy efficiency improvements in new and existing single-family and multifamily housing.

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Of the total amount made available for each fiscal year for grants under this section that remains after reserving amounts pursuant to paragraph (2), the Secretary shall allocate for insular areas, for metropolitan cities and urban counties, and for States, an amount that bears the same ratio to such total amount as the amount allocated for such fiscal year under section 106 for Indian tribes, for insular areas, for metropolitan cities and urban counties, and for States, respectively, bears to the total amount made available for such fiscal year for grants under section 106.

''(2) SET ASIDE FOR INDIAN TRIBES.—Of the total amount made available for each fiscal year for grants under this section, the Secretary shall allocate not less than one percent to Indian tribes.

''(c) GRANT AMOUNTS.—

''(1) ENTITLEMENT COMMUNITIES.—From the amounts allocated pursuant to subsection (b) for metropolitan cities and urban counties for each fiscal year, the Secretary shall make a grant for such fiscal year to each metropolitan city and urban county that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such metropolitan city or urban county bears to the aggregate amount of all grants for such fiscal year under section 106 for all metropolitan cities and urban counties.

''(2) STATES.—From the amounts allocated pursuant to subsection (b) for States for each fiscal year, the Secretary shall make a grant for such fiscal year to each State that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such State bears to the aggregate amount of all grants for such fiscal year under section 106 for all States. Grant amounts received by a State shall be used only for eligible activities under subsection (e) carried out in nonentitlement areas of the State.

''(3) INDIAN TRIBES.—From the amounts allocated pursuant to subsection (b) for Indian tribes, the Secretary shall make grants to Indian tribes that comply with the requirement under subsection (d) on the basis of a competition conducted pursuant to specific criteria, as the Secretary shall establish by regulation, for the selection of Indian tribes to receive such amount.

''(4) INSULAR AREAS.—From the amounts allocated pursuant to subsection (b) for insular areas, the Secretary shall make a grant to each insular area that complies with the requirement under subsection (d) on the basis of the ratio of the population of the insular area to the aggregate population of all insular areas. In determining the distribution of amounts to insular areas, the Secretary may also include other statistical criteria as data become available from the Bureau of Census of the Department of Labor, but only if such criteria are set forth by regulation issued after notice and an opportunity for comment.

''(d) STATEMENT OF ACTIVITIES.—

''(1) REQUIREMENT.—Before receipt the receipt in any fiscal year of a grant under subsection (c) by any grantee, the grantee shall have prepared a final statement of housing energy efficiency objectives and projected use of funds as the Secretary shall require and shall have provided the Secretary with such certifications regarding such objectives and use as the Secretary may require. In the case of metropolitan cities, urban counties, units of general local government, and insular areas receiving grants, the statement of projected use of funds shall consist of proposed housing energy efficiency activities. In the case of States receiving grants, the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

''(2) PUBLIC PARTICIPATION.—The Secretary may establish requirements to ensure the public availability of information regarding projected use of grant amounts and public participation in determining such projected use.

''(e) ELIGIBLE ACTIVITIES.—

''(1) REQUIREMENT.—Amounts from a grant under this section may be used only to carry out activities for single-family or multifamily housing that are designed to improve the energy efficiency of the housing so that the housing complies with the energy efficiency standard under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008, including such activities to provide energy for such housing from renewable sources, such as wind, waves, solar, biomass, and geothermal sources.

''(2) PREFERENCE FOR COMPLIANCE BEYOND MINIMUM REQUIREMENTS.—In selecting activities to be funded with amounts from a grant under this section, a grantee shall give more preference to activities based on the extent to which the activities will result in compliance by the housing with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of such Act.

''(f) REPORTS.—Each grantee of a grant under this section for a fiscal year shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of grant amounts, which shall contain an assessment by the grantee of the relationship of such use to the objectives identified in the grantees statement under subsection (d).

''(g) APPLICABILITY OF CDBG PROVISIONS.—Sections 109, 110, and 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309, 5310, 5311) shall apply to assistance received under this section to the same extent and in the same manner that such sections apply to assistance received under title I of such Act.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $2,500,000,000 for fiscal year 2009 and such sums as may be necessary for each fiscal year thereafter.''.

SEC. 616. INCLUDING SUSTAINABLE DEVELOPMENT IN COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and'';

(3) and by inserting after paragraph (20) the following:

''(21) describe the jurisdiction's strategies to encourage sustainable development for affordable housing, including single-family and multifamily housing, as measured by—

''(A) greater energy efficiency and use of renewable energy sources, including any strategies regarding compliance with the energy efficiency requirements under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of such Act;

''(B) increased conservation, recycling, and reuse of resources;

''(C) more effective use of existing infrastructure;

''(D) use of building materials and methods that are healthier for residents of the housing, including use of building materials that are free of added known carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(E) such other criteria as the Secretary determines, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, are in accordance with the purposes of this paragraph.''.

SEC. 617. GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.

(a) IN GENERAL.—The Secretary may make grants to nonprofit organizations to use for any of the following purposes:

(1) Training, educating, supporting, or advising an eligible community development organization or qualified youth service and conservation corps in improving energy efficiency, resource conservation and reuse, design strategies to maximize energy efficiency, installing or constructing renewable energy improvements (such as wind, wave, solar, biomass, and geothermal energy sources), and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities, taking into consideration energy efficiency requirements under section 604(a) of this title and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

(2) Providing loans, grants, or predevelopment assistance to eligible community development organizations or qualified youth service and conservation corps to carry out energy efficiency improvements that comply with the energy efficiency requirements under section 604(a) of this title, resource conservation and reuse, and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities. In providing assistance under this paragraph, the Secretary shall give more preference to activities based on the extent to which the activities will result in compliance with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

(3) Such other purposes as the Secretary determines are in accordance with the purposes of this subsection.

(b) APPLICATION REQUIREMENT.—To be eligible for a grant under this section, a nonprofit organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AWARD OF CONTRACTS.—Contracts for architectural or engineering services funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(d) MATCHING REQUIREMENT.—A grant made under this section may not exceed the amount that the nonprofit organization receiving the grant certifies, to the Secretary, will be provided (in cash or in kind) from non-governmental sources to carry out the purposes for which the grant is made.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(2) The term ''eligible community development organization'' means—

(A) a unit of general local government (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(B) a community housing development organization (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(C) an Indian tribe or tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)); or

(D) a public housing agency, as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(3) The term ''low-income community'' means a census tract in which 50 percent or more of the households have an income which is less than 80 percent of the greater of—

(A) the median gross income for such year for the area in which such census tract is located; or

(B) the median gross income for such year for the State in which such census tract is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SEC. 618. UTILIZATION OF ENERGY PERFORMANCE CONTRACTS IN HOPE VI.

Section 24(d) of the United States Housing Act of 1937 (42 U.S.C. 1437v(d)) is amended by adding at the end the following new paragraph:

''(3) ENERGY PERFORMANCE CONTRACTS.—

''(A) IN GENERAL.—The Secretary shall provide that a public housing agency shall receive the full financial benefit, as determined by the Secretary, from any reduction in the cost of utilities resulting from any contract with a third party to undertake energy conservation improvements in connection with a revitalization plan under this section.

''(B) THIRD PARTY CONTRACTS.—Contracts described in subparagraph (A) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

''(C) TERM OF CONTRACT.—The total term of a contract described in subparagraph (A) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, including renewable energy generation, and other such retrofits.''.

SEC. 619. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following new paragraph:

''(4) GREEN DEVELOPMENTS REQUIREMENT.—

''(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

''(i) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this paragraph pursuant to subparagraph (D) at the date of the application for the grant, or any substantially equivalent standard or standards as determined by the Secretary, as follows:

''(I) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

''(II) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

''(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

''(ii) GREEN BUILDINGS CERTIFICATION SYSTEM.—All non-residential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect for purposes of this paragraph pursuant to subparagraph (D) at the time of the application for the grant.

''(B) VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A) and that the revitalization plan is carried out in accordance with such requirements and plan.

''(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

''(I) Not later than 6 months after execution of the grant agreement under this section for the grantee.

''(II) Upon completion of the revitalization plan of the grantee.

''(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in clause (ii), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

''(ii) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

''(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(III) the ability of the standards to be developed and revised through a consensus-based process;

''(IV) An evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in clause (ii).

''(D) APPLICABILITY AND UPDATING OF STANDARDS.—

''(i) APPLICABILITY.—Except as provided in clause (ii) of this subparagraph, the national Green Communities criteria checklist and green building rating systems and levels referred to in clauses (i) and (ii) of subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems, and levels as in existence upon the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2008.

''(ii) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).''.

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following new subparagraph:

''(L) the extent to which the proposed revitalization plan—

''(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

''(ii) in the case of non-residential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and''.

SEC. 620. CONSIDERATION OF ENERGY-EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

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

''(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property; and''.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institutions regulatory agency shall, not later than 6 months after the date of the enactment of this Act, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1) of this subsection.

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property'';

(2) in subsection (c), by inserting before the period at the end the following: '', which shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property'';

(3) in subsection (e), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

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

''(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY-EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property.''.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

''(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

''(1) appraising off- and on-grid photovoltaic measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

''(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic measures in determining the value of a property; and

''(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.''.

SEC. 621. ASSISTANCE FOR HOUSING ASSISTANCE COUNCIL.

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structures and buildings developed or assisted under projects, programs, and activities funded with such amounts complies with the enhanced energy efficiency requirements under section 604(a) of this title; and

(2) to establish incentives to encourage each such organization to provide that any such structures and buildings comply with the energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

SEC. 622. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

The Secretary shall—

(1) encourage each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structures and buildings developed or assisted under activities funded with such amounts complies with the energy efficiency requirements under section 604(a) of this title; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structures and buildings comply with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

SEC. 623. LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Alternative Energy Sources State Loan Fund''.

(b) EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (c)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(c) LOANS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single-family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and business to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) ELIGIBILITY.—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CRITERIA FOR APPROVAL.—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with the energy efficiency requirements under section 604(a) of this title; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) PREFERENCE.—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) MAXIMUM AMOUNT.—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed $500,000,000.

(6) LOAN TERMS.—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at annual rate, determined by the Secretary, that shall not exceed interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) LOAN REPAYMENT.—The Secretary shall require full repayment of each loan made under this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) OBLIGATIONS OF UNITED STATES.—Investments may be made only in interest-bearing obligations of the United States.

(e) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during the term of a loan made under subsection (c), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) REPORT TO CONGRESS.—Not later than September 30 of each year that loans made under subsection (c) are outstanding, the Secretary shall submit a report to the Congress describing the total amount of such loans provided under subsection (c) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000,000.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) STATE.—The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

SEC. 624. GREEN BANKING CENTERS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy-efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to consumers under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

''(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

''(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.''.

(b) INSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Board shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy-efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to members under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

''(G) such other information as the Board or the insured credit union may determine to be appropriate or useful.''.

SEC. 625. PUBLIC HOUSING ENERGY COST REPORT.

(a) COLLECTION OF INFORMATION BY HUD.—The Secretary of Housing and Urban Development shall obtain from each public housing agency, by such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency. For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress setting forth the information collected pursuant to subsection (a).

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ALTERNATIVE FUEL PUMPS.

(a) REQUIREMENT.—Not later than January 1, 2018, each retail automotive fueling station owned by a major integrated oil company shall have at least 1 alternative fuel

pump (and necessary infrastructure and storage facilities) available to dispense for automotive purposes a fuel referred to in subparagraph (A), (B), (C), or (D) of subsection (c)(2) .

(b) PENALTY.—A major integrated oil company that has failed to comply with subsection (a) as of January 1 of any calendar year beginning with 2018 shall be liable for a civil penalty in the amount of $100,000 for each automotive fueling station owned by such company that is not in compliance. Any such penalty may be assessed and collected by the Secretary of Energy by order. The Secretary may bring an action in the appropriate United States District court to require the payment of civil penalties imposed under this subsection, and such court shall have jurisdiction to enforce any order of the Secretary under this subsection.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''major integrated oil company'' has the meaning given that term in section 167(h)(5)(B) of the Internal Revenue Code of 1986.

(2) The term ''alternative fuel pump'' means a fuel pump that dispenses as a fuel for automotive purposes—

(A) natural gas;

(B) any fuel at least 85 percent of the volume of which consists of ethanol;

(C) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations under section 211(o) of the Clean Air Act), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel; or

(D) hydrogen.

(d) REGULATIONS.—The Secretary of Energy shall promulgate such regulations as may be necessary to carry out this section.

SEC. 702. NATIONAL ENERGY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary of Energy shall award a grant on a competitive basis to one consortium of institutions of higher education (as such term is defined in section 102 of the Higher Education Act of 1965) for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy.

(b) CONSORTIUM.—The consortium shall include at least two institutions of higher education, one of which must be eligible to receive assistance under part A or B of title III or title V of the Higher Education Act of 1965.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2009 through 2013.

SEC. 703. SENSE OF CONGRESS REGARDING RENEWABLE BIOMASS.

It is the sense of Congress that—

(1) in order to fulfill the commitment of the United States to energy security and independence, the current definition of renewable biomass in the Renewable Fuel Standard (RFS) could be improved;

(2) in order to meet the United States' energy challenges in an environmentally responsible way, the RFS should be as inclusive as possible to better reflect the realities of our Nation's resources, to encourage investment, and to help us meet the congressional mandate for advanced biofuels;

(3) Congress recognizes that renewable fuels are important to our climate and energy security strategy, as well as the rural communities they support; and

(4) cellulosic biofuels can and should be produced from a highly diverse array of feedstocks, allowing every region of the country to be a potential producer of this fuel.

TITLE VIII—ENERGY TAX INCENTIVES

SEC. 800. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''Energy Tax Incentives Act of 2008''.

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

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

SEC. 801. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGE.—The applicable percentage prescribed by the Secretary for any month under clause (i) shall be the percentage which yields over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are originally placed in service

during the same calendar year shall be treated for purposes of this section as 1 facility which is originally placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 802. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 801, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 803. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2017.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the

percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 804. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) 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 the taxable year 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.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) 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. 805. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) 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) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) 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.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 806. NEW CLEAN RENEWABLE ENERGY BONDS.

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

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $1,750,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

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

''Sec. 54C. New clean renewable energy bonds.''.

(c) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986) other than qualified forestry conservation bonds (as defined in section 54B of such Code).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART 2—CARBON MITIGATION PROVISIONS

SEC. 811. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,250,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $950,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

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

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 812. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $150,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 813. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 814. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

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

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 815. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 821. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 822. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last three sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 823. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims

for credit or payment made on or after May 15, 2008.

SEC. 824. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Section 30 is amended to read as follows:

"SEC. 30. 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—

''(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) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(4) 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.).

''(5) 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) 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 30 (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) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 804, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 804, is amended by striking ''and 25D'' and inserting '', 25D, and 30''.

(D) Section 26(a)(1), as amended by section 804, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(2) Section 30B(h)(1) is amended by striking ''section 30(c)(2)'' and inserting ''section 30(d)(3)''.

(3)(A) Section 53(d)(1)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

(B) Subclause (II) of section 53(d)(1)(B)(iii), as so redesignated, is amended by striking ''increased in the manner provided in clause (iii)''.

(4) Section 55(c)(3) is amended by striking ''30(b)(3),''.

(5) Section 1016(a)(25) is amended by striking ''section 30(d)(1)'' and inserting ''section 30(f)(1)''.

(6) Section 6501(m) is amended by striking ''section 30(d)(4)'' and inserting ''section 30(f)(4)''.

(7) The item in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 30. 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) 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) is amended by striking ''sections 27, 30, and 30B'' and inserting ''section 27''.

(B) Paragraph (3) of section 55(c) 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. 825. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

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

SEC. 826. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy Tax Incentives Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 827. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is

regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

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

SEC. 828. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'',

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000'', and

(3) by striking ''$1,000'' in subsection (b)(2) and inserting ''$2,000''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3) and inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) in the case of property relating to natural gas, compressed natural gas, or liquified natural gas, and which is not of a character subject to an allowance for depreciation, December 31, 2017,'', and

(2) by striking ''December 31, 2009'' in paragraph (3) (as so redesignated) and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 829. ENERGY SECURITY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 806 and 841, is amended by adding at the end the following new section:

''SEC. 54E. ENERGY SECURITY BONDS.

''(a) ENERGY SECURITY BOND.—For purposes of this subchapter, the term 'energy security bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for qualified purposes,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) repayments of principal and applicable interest on financing provided by the issue are used not later than the close of the 3-month period beginning on the date the repayment (or complete repayment) is received—

''(A) to redeem bonds which are part of the issue, or

''(B) for any qualified purpose.

For purposes of paragraph (4), the term 'applicable interest' means so much of the interest on any loan as exceeds the amount payable at a 1 percent rate.

''(b) QUALIFIED PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified purpose' means the making of grants and low-interest loans for the purpose of placing in service natural gas refueling property at retail motor fuel stations located in the United States.

''(2) LIMITATION ON LOANS.—Such term shall not include—

''(A) any loan of more than $200,000 for property located at any one retail motor fuel station, and

''(B) any loan for more than 50 percent of the cost of such property and its installation.

''(3) NATURAL GAS REFUELING PROPERTY.—The term 'natural gas refueling property' means qualified clean-fuel refueling property (as defined in section 179A(d)) which is described in section 179A(d)(3) with respect to natural gas fuel.

''(4) LOW-INTEREST LOAN.—The term 'low-interest loan' means any loan the rate of interest on which does not exceed the applicable Federal rate in effect under section 1288(b)(1) determined as of the issuance of the loan.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national energy security bond limitation of $1,750,000,000.

''(e) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national energy security bond limitation under subsection (d) among qualified issuers in such manner as the Secretary determines appropriate.

''(2) RESERVATION FOR PROPERTY IN METROPOLITAN AREA.—50 percent of the national energy security bond limitation under subsection (d) may be allocated only for loans to provide natural gas refueling property located in metropolitan statistical areas (within the meaning of section 143(k)(2)(B)).

''(3) PERCENTAGE OF STATIONS RECEIVING LOANS.—In making allocations under paragraph (1), the Secretary shall attempt to ensure that at least 10 percent of the retail motor fuel stations in the United States received loans from the proceeds of energy security bonds.

''(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means any State or any political subdivision or instrumentality thereof.

''(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2017.''.

(b) COORDINATION WITH REFUELING PROPERTY CREDIT.—Subsection (e) of section 30C of such Code is amended by adding at the end the following new paragraph:

''(6) COORDINATION WITH ENERGY SECURITY BONDS.—The cost otherwise taken into account under this section with respect to any property shall be reduced by the portion of such cost which is financed by any loan provided from the proceeds of any energy security bond (as defined in section 54E).''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 806 and 841, is amended by striking ''or'' at the end of subparagraph (B), by adding ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) an energy security bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 806 and 841, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) in the case of an energy security bond, a purpose specified in section 54E(b).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by sections 806 and 841, is amended by adding at the end the following new item:

''Sec. 54E. Energy security bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 830. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

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

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 841. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 806, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $2,625,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by section 806, is amended by striking ''or'' at the end of subparagraph (A), by adding ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified energy conservation bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by section 806, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by section 806, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 842. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after December 31, 2007.

SEC. 843. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 844. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less

energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 845. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) 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.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) 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 qualified smart electric grid system, 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.

SEC. 846. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

Subtitle D—Revenue Provisions

SEC. 851. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR SPECIFIED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any specified oil company (as defined in subsection (d)(9)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.''.

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

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

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

''(A) IN GENERAL.—If a taxpayer (other than a specified oil company) has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

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

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

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

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

''(C) SPECIFIED OIL COMPANY.—For purposes of this section, the term 'specified oil company' means—

''(i) any major integrated oil company (as defined in section 167(h)(5)(B)), and

''(ii) any entity in which a foreign government holds (directly or indirectly)—

''(I) any interest which (by value or voting interest) is 50 percent or more of the total of such interests in such entity, or

''(II) any other interest which provides the foreign government with effective control of such entity.

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

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

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

SEC. 852. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 853. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

In the case of a corporation—

(1) to which paragraph (1) of section 401 of the Tax Increase Prevention and Reconciliation Act of 2005 applies, and

(2) which had any significant income for the preceding taxable year referred to in such paragraph from extraction, production, processing, refining, transportation, distribution, or retail sale, of any fuel or electricity,

the percentage under subparagraph (C) of such paragraph (as in effect on the date of the enactment of this Act) is increased by 40 percentage points.

The SPEAKER pro tempore (Mr. OBEY). Pursuant to House Resolution 1433, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 90 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6899.

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

There was no objection.

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

Mr. Speaker, the pending legislation, H.R. 6899, has as its additional cosponsors the gentleman from Texas (Mr. GENE GREEN), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan, the dean of the House, Mr. JOHN DINGELL.

My colleagues, today we stand at a crossroads, and the two paths before us are crystal clear. Those of us supporting the pending legislation bring with us the new-age conviction that in order for this Nation to be truly secure, we must bridge the gap between our addiction to oil, to a future empowered by more secure, safe, and reliable sources of power, that we must shatter the shackles of the past and remove the bonds that have placed such a burden on the American people and on our security as a Nation.

The other path is less enlightened. It carries with it the belief that a subservience to the policies of the past can sustain the country in the years and decades ahead. It would sacrifice America's energy security on the altar of Big Oil's profits and its profiteering. The choice is quite clear.

Before us today is landmark legislation that would, for the first time since 1982, sweep away moratoria precluding oil and gas leasing in much of the Federal waters off America's coastlines.

As a result of the pending measure, roughly 85 percent of all oil on the Outer Continental Shelf will be available for production. We are opening up to 400 million acres off the Atlantic and Pacific Coasts to drilling. We are expanding the availability of oil by at least 2 billion barrels of oil, enough to power 1 million cars for 60 years.

But in doing so, we have built in safeguards. I repeat that: we have built in safeguards. We do not undermine the defense posture of this country and the Defense Department's need to engage in military operations in America's waters.

We protect national marine monuments and sanctuaries, and we provide for the consideration of the interests of the coastal marine and human environment. And importantly, we are cracking down on the incredible failure of the Interior Department to ensure that Americans are getting paid a fair rate of return for the production of their, and I emphasize their, Federal oil and gas reserves and resources. These reserves are not owned by Chevron or Shell or by Exxon; they are owned by all Americans. They are owned by all Americans by birthright.

Yesterday, another former Interior Department official who was in charge of collecting Federal oil and gas royalties pleaded guilty to rigging bids. Last week reports were released by the Interior Department's Inspector General which found ''a culture of ethical failure'' in a division of the Minerals Management Service as part of what I believe to be a burgeoning scandal. This is an agency that is supposed to safeguard one of the largest non-IRS streams of revenue to the Treasury. It is almost like Teapot Dome all over again.

At the same time, Government Accountability Office reports were released that found that the United States receives one of the smallest shares of oil and gas revenue in the world. Think about that. We receive one of the smallest shares of oil and gas revenues of any country in the world.

The reports also found that Federal oil and gas leases are not being diligently developed. We on this side of the aisle have been saying that for months. Production is only occurring on 12 percent of offshore leases and 5 percent of onshore leases. And as I have been bringing to light through a number of hearings held by the Natural Resources Committee, the Interior Department is unable to provide certainty that companies are paying the royalties owed to the American people, a culture of ethical failure, indeed.

The legislation before us contains bold initiatives to crack down on this legacy of abuse. It would require the diligent development of Federal oil and gas leases, require that prompt, transparent and accurate royalty payments are made, and would tackle the ethical failures occurring at the Interior Department. Leading the vanguard in our march to a more energy self-reliant and secure future is this legislation's establishment of a strategic energy efficiency and renewable reserve.

□ 1700

This initiative would finance the development of renewable and alternative energy technologies, provide increased assistance for low-income

home energy and weatherization programs, and advance carbon capture and storage, among other items. And we are dedicating over $6 billion to this fund over the next 10 years.

All of the above. All of the above. How often have we heard that in this debate? All of the above. It is here my friends: oil, natural gas, oil shale, wind, solar, coal energy efficiencies and energy conservation.

As I noted earlier, today we are at a crossroads. The difference is clear between those of us supporting this measure and some of those on the other side of the aisle who have been trumpeting their bumper sticker ''drill here, drill now'' approach to our serious energy situation.

They would open up everything to Big Oil. Perhaps some of them would even open up the National Mall if they could to drilling rigs. They would give away the store, no accountability, no safeguards, no expectation of a return in terms of energy or revenue.

We, on this side, instead, seek to protect America's interests in American resources. Make more Federal oil and gas available to drilling? Yes. That's what we're doing in this bill. But we're doing so in a manner that safeguards our environment, ensures the diligent development of those energy resources, and demands that the American taxpayer gets a fair return. Royalties due, royalties paid.

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

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

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

Mr. YOUNG of Alaska. Mr. Speaker, and my colleagues, I rise in the strongest possible opposition to this ill-conceived, if it was conceived at all, legislation.

I don't know how many of you ever saw the Peter Pan story, the movie, or even read it. This is a Peter Pan story. You know, they have the imaginary bowls, the bowls that were not imaginary but they were empty, and they convinced Peter Pan, Robin Williams, to use his imagination and the bowls will be full of food.

And this is what you're doing today, Mr. Chairman, and the people that wrote this bill, who we do not know who did write it. Use your imagination. We're going to have the oil for everything because this bill produces oil.

It produces nothing. This is a Peter Pan story. It's a figment of the imagination. It is a political gimmick. It is a sham on the American people.

Shame on this House, that the courage wasn't there for the leadership to go on both sides of the aisle, listen to those that have some expertise in this problem we are facing today, the high cost of energy, and work together and pass an energy solution to a problem that produces not only fossil fuels but other forms of fuel, that solves the problems for the commuter who has to go to work. And Mr. and Mrs. Commuter, if you think this bill today that came out of this leadership on that side produces one bit of relief to you as you drive to work, don't believe it. Go see Peter Pan. That's all this bill is.

It has nothing in there to produce energy. In fact, it probably will drive down the ability to produce energy. It will help foreign countries.

I just heard my chairman talk about Big Oil, how bad Big Oil is, and put the blame on Big Oil. Where do you think you're getting your oil today as you put it in your tank? From Saudi Arabia, Venezuela, Chavez, foreign countries that have control of us right now. We ought to be talking about that. Forget talking about Big Oil, because this body, and I've said it before on this floor of the House, both sides of the aisle have not seized the ability to solve the energy problem by developing fossil fuels.

Coal. There's nothing in this bill about coal to liquification or gasification. There's nothing in this bill about nuclear power. There's nothing in this bill that produces any energy. In fact, this bill takes land that's open now and closes it, and take lands that was closed and opens it, but it happens to be 50 miles offshore. Any oil in between there can't be developed.

And by the way, my good friends, if any State contiguous to decides not to have it drill 50 miles and out they can say no, and they will say no because there's no revenue sharing in this bill. None.

It is probably the best way to call this bill the Venezuela, Russian, Middle East Oil Production Act, because you're protecting the foreign countries under this legislation.

I don't know why I'm getting worked up about it because we all know this is a political gimmick. It's never going to go anywhere. It's not going to become law. But it will give some people cover to say, I voted for more drilling and more production. This bill does not do that.

It will increase energy costs. And I'm a little concerned on both sides of the aisle again because oil has dropped down to $93 a barrel today. You know, if that would have happened last year we would have said, my God, the world's coming to an end. Oil went to $93. But it was $145, and we are being lulled into this type of legislation saying we're going to solve the problem and nothing is occurring to solve the problems of the American consumer. We're right where we were last year and the year before that, and that's wrong.

It does leave out ANWR. I wasn't going to bring up that, but the closest, quickest way to produce a million barrels a day to the United States was to open ANWR. No, we left that out. Can't happen. A million barrels a day for the next maybe hundred years, for the American consumer. Every barrel would have gone to the United States of America. A little provision says you can't export any of this oil to overseas. We're not exporting oil, we're consuming it. But we're consuming most of our oil from overseas, paying the foreign countries the oil prices today because you have not come to this floor, not one hearing in our committee on this issue.

This bill was written in the midnight. I shouldn't say the midnight, the midnight sun. I would say it was written in the darkness of night. And introduced last night, had the rule last night, 500 pages. I have read it, and it produces nothing.

You can get more energy out of this bill, ladies and gentlemen, if you take all the copies of the bill and put it in a bonfire. And that is not good for this House of this Nation. You had the opportunity.

Now, I don't understand, really, why anybody would support this legislation at all because we're committing something wrong to the American people. We had a chance.

I see people from oil-producing States over on that side. Why did you buy into the concept we wanted to bring a bill to the floor that does nothing but say I helped develop more oil when it doesn't do it?

If you believe that, you would have let us have this bill, 2 weeks, 3, 4 weeks ago, but you didn't because you know when it finally gets out to the public and they start understanding what's occurring, that the public will understand, yes, it was a sham.

And I'm tired of politics on oil in this body. We have a Speaker that believes that we have to save the planet because we can't burn any more fossil fuel. If that's the case, then let's admit it. I believe this is what she believes, and I think that's sad.

I believe we ought to say, okay, we do have to have fossil fuels and we can develop the other forms of energy but it takes time. We need that bridge. This bill doesn't do that.

So we're going to come back here next year, the public will be hoodwinked. The public will have high prices again, nothing will be done.

If we're really wise, we'd take this bill today, totally defeat it, send it back and work across the aisle for the American people, work across the aisle for solutions that would no longer have the yoke not of Big Oil around our necks, the yoke of the foreign countries that took those billions of dollars. The largest transfer of American wealth in history occurred because this body didn't act correctly and did not develop the resources so we wouldn't have to transfer that wealth overseas, and we did it.

So we have a responsibility to defeat this legislation. It was conceived in the dark. Who the father is, I do not know. But we do know it's not legitimate.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

I would note to the gentleman that just spoke, the minority, when they

were in power, tried very hard writing bills late at night, so nothing should surprise them as far as the timing of this bill.

I yield, Mr. Speaker, 3 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN), a very important champion of this bill and cosponsor of the legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 6899, the Comprehensive American Energy Security and Taxpayer Protection Act.

I don't know why my Republican colleagues can't take yes for an answer. We are opening up over 305 million acres. Now, granted, it's a compromise. But when you were in charge, we opened up 8 million acres in the eastern Gulf of Mexico. I'd like to open up more, but, again, like you had to make compromises, we have. But for the first time we're going to open up more Outer Continental Shelf opportunity than anytime in history, even under years of Republican House control, Senate control and the President.

I support opening ANWR, but that didn't happen even when the Republicans were in control.

The royalty share, I'd love to share royalties with our States who allow drilling, but CBO won't let us. Maybe the Senate will bring up that point.

But I don't know why we can't take yes for an answer. If you want to drill in our country, this is the bill. Now, if you want a political issue that you think you'll ride into the November election on like you tried in August, which was more theatrics than anything else then vote ''no.'' But I'll tell you what, the American people are going to see this for what it is. And it's a comprehensive bill that will go forward.

We're going to invest that royalty into renewable energy research. I don't think it's economically feasible now, but we need to get there. But we're going to produce domestically, and send that message to the world which, you know, maybe a bill on the floor has helped us with that oil prices going down every day per barrel.

I want to thank my esteemed colleagues, Chairman RAHALL, Chairman MILLER and Chairman DINGELL, as well as Speaker PELOSI and Majority Leader HOYER and the entire Democratic Caucus for working together to craft legislation that our majority, our Congress and our country can be proud of.

Now, I know some of my friends in Congress and maybe the energy industry and the environmental community may be asking themselves one question: ''How in the world can an unholy alliance of GREEN, MILLER and RAHALL ever come together to introduce a comprehensive energy plan. The answer is very simple. America's energy needs demand it. We need to do what's environmentally good, but we also need to make sure we can keep the prices of our current fuel costs low, and whether it's for lighting our homes or cooling or heating our homes or running our vehicles or running our industry.

All sides of this debate can no longer insist my way or the highway approach to energy. We need all energy sources, both conventional and renewable, and everyone must be willing to sacrifice to reach a common good.

I personally have questions about this, some of the things in this bill. But again, this is the first step. Why would you kill it right now when we still have to work with the Senate and also get a bill passed that the President will sign?

So this is the first time we're opening this much Outer Continental Shelf drilling in the Democratic majority House of Representatives. Maybe it's just response to say no to everything that comes up because we're doing it many, many times more than what they did when they had the majority.

Our legislation improves on the original H.R. 6 from last year, at least freezing independent oil and natural gas producers at their current section 199 manufacturing. It removes the arbitrary proposals for raising royalty. There was a proposal to go to 21 percent. This administration already increased it to 16 percent. But we don't need to go to 21. It retains accountability for the tainted royalty in kind that I support.

Mr. Speaker, I will place the remainder of my statement into the RECORD, but let me just say one last thing.

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

Mr. GENE GREEN of Texas. President Bush waited 7½ years to eliminate the executive moratorium. And the Democratic Congress has only taken 1½ years.

It improves the management of the Strategic Petroleum Reserve—an idea first offered by my good friend from Texas, NICK LAMPSON—by allowing a swap for heavy crude which could immediately lower prices for consumers.

Most dramatically, our proposal will help utilize our own domestic oil and natural gas resources in the Outer Continental Shelf.

Our legislation incorporates many of the offshore drilling provisions I and other ''Energy Democrats'' first introduced in the LEASE Act by directing the immediate opening of all areas beyond 100 miles off our coasts.

That's over 305 million acres in the OCS that are automatically opened for oil and natural gas leasing.

States are also given discretion to ''opt-in'' to additional drilling from 50 to 100 miles off their coasts estimated at an additional 90 million acres for production.

My friends from the other side of the aisle will argue this bill does not open up enough acreage offshore.

In some instances, as in the Eastern Gulf of Mexico, I agree.

But let's not forget one fact: during the height of Republican rule, under both a Republican President and Congress, Republicans were only able to direct the opening of 8.3 million acres for leasing in the Gulf of Mexico. President Bush after almost 7½ years in office removed the Presidential moritorium.

Today, Democrats are directing the opening of over 305 million acres with state concurrence.

This is hundreds of millions more acres that are directly opened than in the Senate's ''Gang of 20'' proposal, or in Senate Republican Leader MITCH MCCONNELL'S ''Gas Price Reduction Act'', which has the support of 44 Republican Senators.

Most importantly, we use the revenues from oil and gas production to transition America to a clean energy future.

Our bill will create a fund to invest in clean renewable energy, energy efficiency, the Land and Water Conservation Fund, carbon capture sequestration, and the Low-Income Home Energy Assistance Program.

And we extend many of the critical tax credits for wind, solar, and other renewable energy sources that expire this year.

While I believe it's also fundamental to allow states to share in any offshore revenues, ''pay-go'' rules require any revenue sharing-provisions to be offset—whether it's included in this legislation or any other OCS proposal.

Mr. Speaker, our legislation isn't perfect. But we cannot make the perfect the enemy of the good. Let's pass this bill and for the first time a Democratic Congress.

Our constituents, and our Nation, can no longer wait for Congress to act on a balanced energy policy that will provide the conventional energy we need to fuel our economy and to develop the clean energy sources of tomorrow.

I urge my colleagues to support the Rahall-Green-Miller legislation, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 1 minute.

Again, I have great respect for my friend from Texas, and I understand the pressure he's under.

But just think for a minute. There's no real offshore exploration in their bill. There's no renewables in their bill. There's no oil shale in their bill. Of course there's no ANWR in their bill. There's no nuclear in their bill. There's no clean coal to coal to liquids in their bill. There's no new refinery capacity in their bill.

□ 1715

There is no electricity price hike control in their bill. And most of all, there is no lawsuit reform in their bill.

This bill is, in fact, a ''no'' bill: no energy, no energy, no energy.

Mr. Speaker, at this time I ask unanimous consent that the gentleman from Texas and the ranking Republican on the Energy and Commerce Committee be allowed to control 21 minutes of the general debate time.

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

There was no objection.

Mr. BARTON of Texas. I would recognize myself, Mr. Speaker, for 3½ minutes.

Members of the House, we have before us a bill that proclaims to be one thing but which is, in reality, something entirely different. My good friend from Texas, the Honorable GENE GREEN, whose district has just been hit so hard by Hurricane Ike, made the point that under Republican majorities we only opened—his term was 8 million

acres and this bill pretends to open 300 million so it's a better bill.

Well, I would point out that if we put in the bill that you can drill anywhere in the Pacific Ocean beyond 200 miles or anywhere in the Atlantic Ocean beyond 200 miles, which is the international limit, that we could claim to open up for exploration literally billions of acres.

The point is we don't have the technology in many cases to utilize that. And in any event, there is no prohibition now.

What we need to do is have an energy development bill for America that makes it possible to develop the energy resources where we think we have the highest probability of actually finding and developing, in an environmentally and economically safe fashion, those resources. This bill doesn't do that. It simply doesn't do that.

I would have liked in prior Congresses when I was chairman of the Energy and Commerce Committee or subcommittee chairman of the Energy and Air Quality Subcommittee to have opened up more of our domestic energy resources. But in those Congresses, we literally didn't have the votes. We did have debate on the floor, we had amendments offered, we had an open process in committee and on the floor; but in some of those cases, we lost those votes.

This bill, we're not allowed to even have the amendment. I offered a number of amendments to the Rules Committee last evening, and they were not made in order. This is a closed rule, you know. Why not have this as the base text and then have a number of amendments to see what the will of the House is? That would be a fair process.

This is not a fair process.

When the first title, section 101 of your bill, is a title called ''Prohibition on Leasing'' and in the very first paragraph, notwithstanding any other provision of the Outer Continental Shelf and several other laws, no leasing shall be allowed unless expressly authorized in this bill itself, that's not a pro-energy development bill. That's not a pro-energy development bill.

So this is a bill that pretends to be one thing, Mr. Speaker, but in actuality is something completely different. If we had any kind of a regular process where the bill went through the gentleman's committee, the Resources Committee and the Ways and Means Committee and the Energy and Commerce Committee and the Agriculture Committee and the Science Committee so that we had these issues vetted, that would be a different thing.

This is a 290-page bill. Nobody knows what is in the bill in its entirety. None of this has been vetted. I think it will come as a surprise to some Members of the majority that you have mandatory random drug testing in this bill. I don't know that everybody on the majority side—I happen to think that's one of the few good things in the bill. But it is in the bill. Now, I have participated in floor debates in prior Congresses where we tried to do mandatory drug testing, and huge majorities of the current majority opposed that.

So, again, we've got a flawed process; we have a flawed bill. What we have is a title that pretends to be one thing and the substance of the bill is something else. We should vote this down and go back and have a bipartisan process.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

It's interesting to note that the gentleman from Texas has just spoken about that we should have a straight up-or-down—or, I'm sorry, that we should have amendments, that he's complaining about the closed rule as other Members on that side have. Yet their mantra over the last several months has been, Let's have a straight up-or-down vote; let's have a straight up-or-down vote. I would say that's what we're getting to before this evening is over with.

I would note also the lack of hearings to which we've been charged. This energy debate has gone on ad infinitum on numerous pieces of legislation, often bills having nothing to do with energy, during 1-minutes, during Special Orders. Even when the House was not in session, the other side had their energy debate.

So I would say there are various parts of this bill that have passed the House before, have been debated on ad infinitum in committees and/or on this floor. So there is really nothing new in this piece of legislation, and it's a piece of legislation that has been debated over and over.

Mr. Speaker, I yield 3 minutes to the distinguished chairman of our Education and Labor Committee, the gentleman from California (Mr. GEORGE MILLER), and also a cosponsor of this legislation.

Mr. GEORGE MILLER of California. I thank the chairman for yielding and thank him for bringing this legislation to this floor. I'm honored to be a cosponsor of this legislation along with Mr. RAHALL and Mr. GREEN.

I rise in very strong support of this comprehensive, forward-looking bill that will provide relief at the pump, create good jobs here in America, and finally put our Nation on a path toward a clean and more independent energy future. Surely that is something that we could all support.

Americans understand the problem. Our Nation is addicted to oil. Consumers are paying record prices to heat and cool their homes and to drive their cars and trucks. Global warming is real; it's serious and a growing problem. Meanwhile, oil companies are making more money than ever before. That's why Democrats made energy a top priority when we took back the House and Senate last year.

We raised auto fuel economy standards for the first time in a generation, overcoming the objections of the auto and oil industries and the Republicans in Congress and the White House. And we passed one bill after another to improve America's energy policy to expand wind, solar, and other renewable energy sources, to increase the efficiency and conservation, to curb speculation and energy markets, and to release oil from the Strategic Petroleum Reserve, and to recoup tens of billions of dollars that oil companies have unfairly taken from the taxpayers as they've exploited the taxpayers' resources on our public lands.

Every bill we passed was opposed by a majority of the Republicans in Congress and by President Bush. And at the end of all of their objections, gas rose to $4 a gallon. Think how different this debate would have been if in the previous decade when the Republicans controlled this House and the 8 years when they controlled the White House and the Congress if they had pushed forward on energy in those days. Think how different the automobile industry would have been today had they not caved in to the oil industry and the auto industries and moved those standards. But no, it took 30 years, and we did it in this Congress with the Democratic leadership.

Think how different this discussion would be on renewables and alternatives if the Republicans had chosen that. But no. Every time they brought an energy bill to the floor, they looked to the past. They said that we could drill our way out of this problem, we're just another drop of oil away from the problem. And at the end of that decade, we ended up more dependent upon foreign oil than at any other time in our history.

So that's why we're here today. We're here to help consumers, to drive down the price of energy, to expand the energy resources in this Nation that are available to all consumers all across the country, and to create good American jobs in the process of doing that and to put us on that path to energy independence and to greater diversity in our sources of energy.

We are not going to succumb to the old interests that tell us we have to continue to give away the public's resources and not provide the royalties that the public is entitled to, that the public, with all due respect, in most every other nation in the world gets when they give their resources to be exploited.

We're going to stop the days of the royalty holidays, royalty holidays for oil companies that are making record profits because of their record ingenuity and their skill and their talent. But the fact of the matter is there is no royalty holiday for the ratepayers, for the people paying at the pump, for people trying to heat and cool their homes. And that's why this legislation must pass because this legislation speaks to the future, to a sustainable and renewable energy policy for this country for the first time in over a decade.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to a member of the Energy and Commerce Committee, Congresswoman BLACKBURN of Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for yielding the time.

You know, this has been such an interesting discussion that we have carried forth on this bill. It has lasted for weeks. And finally the majority decides they're going to do something about it. But you know, it really is a bait-and-switch-type issue with the American people because the American people are for drilling on American soil for American energy resources because they want to move to energy independence. They want to lower the price at the pump. And the bill that we have in front of us is not going to do that.

Indeed, Mr. Speaker, if you get into section 101 of this bill, what is it that you find right out of the gate, right from the start, what is it that the majority wants to do? And now bear in mind this bill never came to the Energy and Commerce Committee. It didn't go to the Energy Subcommittee. The 290 pages of this bill was dropped in the dark of night last night and brought to the floor today.

But in section 101 of the bill, what do you have? Putting permanently off-limits some of the richest reserve areas in the Outer Continental Shelf.

So it's like that situation where you want to give a little and take a lot, which is not appropriate when we have the price of gas in our States at all-time record highs today.

Other things that it does not do is to address renewables without tax hikes. If you want renewables, run the taxes up, is what the majority says, what the Democrats say. Oil shale exploration? Not going to do that. Arctic coastal plain, ANWR? Not going to do that.

If you want nuclear—in TVA and Tennessee, we're looking at a 20 percent electric rate hike. But this bill would make it more difficult for expanding nuclear. There's nothing in there for emission-free nuclear. And we know that our rates are going up 20 percent. We know that moving from hydroelectric to nuclear is an imperative for us.

I encourage my colleagues to vote this bill down and vote for the American Energy Act, all-of-the-above.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the distinguished chairman of our Subcommittee on Energy and Mineral Resources, an individual who's helped us a great deal in the drafting of this legislation, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank Chairman RAHALL, Chairman MILLER, and Chairman GREEN for all their hard work and their continuous efforts to try to ensure that we deal with America's energy crisis today.

I rise in support of the passage of H.R. 6899, but I view this bill as a work in progress. Obviously it's not in its final form. The Senate needs to vet its efforts, and the President needs to weigh in, and therefore it needs more work, in my opinion.

I do appreciate, though, the Speaker's efforts on this bill. And I do hope to continue to support her efforts as we look at the compromise, the bipartisan compromise, that will continue to improve this measure.

In its current form, however, it doesn't provide some of the comprehensive efforts and solutions that existed in the measure that Congressmen ABERCROMBIE, PETERSON, and others worked on in a bipartisan effort; and I want to thank them, Representatives ABERCROMBIE and PETERSON, for their hard work. Six weeks we worked in June and in July to form the bipartisan compromise effort otherwise known as the National Conservation Environment and Energy Independence Act, H.R. 6709.

□ 1730

The differences between that effort and this are the following:

First, the bill prohibits drilling within 50 miles of the coast, which, in my opinion, puts a lot of our most promising areas off-limits in terms of the Outer Continental Shelf.

Second, by not allowing revenue sharing with States, as we do with Texas, Louisiana and Mississippi, I think it makes it less likely that States will opt in to leasing, even between the 50 and 100 miles.

Third, the bill doesn't directly tie the new royalties generated to funding for renewables and energy efficiency. So it doesn't provide the same benefits that we have in H.R. 6709, although there are some PAYGO issues there. I think they are workable. I think we can get this measure out. I think we can work with them in the Senate.

The bottom line is that we need to use all the energy tools in our energy toolbox. That includes both coal sequestration, as well as new advances in nuclear power that doesn't put it in Nevada.

We talk a lot about the urge to put an Apollo-like program together. We do. We do need to do that in a bipartisan effort. But sometimes people forget that in the Apollo program, we had the Mercury program so that men could go into space. We had the Gemini project that showed that you could dock and you could spacewalk before we got to Apollo.

The goal is to reduce our dependency on fossil fuels, reduce our dependency on foreign sources of energy. We can't get there overnight. We need to have this Apollo-like program that uses our current energy resources here in America to finance the renewables that will bridge the gap. That's what we need to do.

It's my hope that the provisions of our previous measure can be incorporated into this bill as we work through the legislative process, as we should do. But I think it's a step in the right direction, this measure. We need to move forward to take a closer look at how we come together in a bipartisan effort in that comprehensive energy package. The American public demands that we do this. Our economy requires that we do this.

We are going to have a transfer of $750 million in wealth this year just to pay for our energy price tag. For all those reasons, I urge my colleagues to vote for this measure, even though you don't like some of the elements in this measure, as I don't believe some of the elements in this measure are pointed toward that comprehensive effort.

But I want to commend my colleagues, Chairman RAHALL, Chairman MILLER and Chairman GREEN, for their willingness to compromise. I want to continue my efforts across the aisle with Congressman PETERSON and others who are part of that bipartisan effort. That's what we need to do, that's what the American public expects, and that's why I'm voting for this measure.

I thank the chairman.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I come before you today to address the majority's so-called energy package. I find the name odd, considering it contains almost no energy provisions. Instead, it serves as political cover, an empty offering to the American people before the November elections. After all, it contains no language to build new nuclear power plants or oil refineries. And while it claims to allow offshore drilling, it actually keeps 88 percent of offshore oil reserves under lock and key.

The American people want real action and meaningful solutions that include an increase in American-produced energy. The American Energy Act, on the other hand, will open all of our vast natural resources, allowing oil exploration offshore and in ANWR. It assists in the building of new oil refineries and nuclear power plants, and extends the tax credits to encourage more investment and research into wind and solar energy.

This is the all-of-the-above energy solution that the American people have been asking for. I implore my colleagues to listen to the American people. Bring the real energy bill to the floor for a vote.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1 minute to the distinguished dean of the House and cosponsor of the pending legislation and chairman of our Energy and Commerce Committee, Mr. DINGELL of Michigan.

Mr. DINGELL. Mr. Speaker, I rise in support of the legislation. I rise to commend and express my great respect for the distinguished gentleman from West Virginia (Mr. RAHALL), chairman of the Committee on Natural Resources, and also to my colleague Mr. GREEN, a valuable member of the Committee on Energy and Commerce.

They, working with the Speaker, have come forward with a good bill,

one which is going to move this country forward in terms of reducing our dependency on foreign oil and increasing our utilization and development of more of our own domestic natural resources.

This bill achieves the delicate balance between the need for increased production, aggressive conservation, and a greater use of renewable energy, a path that this Congress has established in last year's energy bill, and as I would note for my colleagues, we will be in business again next year. Last year, we did something. The year before, in the prior Congress under the leadership of my Republican colleagues, we passed legislation which also increased production. Next year, I assure you that when we confront the business of this Congress in the new Congress, we will again move forward on legislation. This is not a static matter. It is something which goes forward in an intelligent process, thoughtfully led by people like my good friend from West Virginia (Mr. RAHALL).

Again, I commend my colleagues who have worked on this legislation. I recognize that it has more to be done, but there's always business to be done around this place.

I urge the adoption, and again, I commend my friend Mr. RAHALL and his colleagues on the committee for the superb job they have done on this legislation working with our distinguished Speaker.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, Mr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, the American public wants real solutions to this energy crisis. Unfortunately, what we're voting on today is not a real solution. It's a no drill bill.

Our country's security is threatened in four ways. One is family security. With the price of natural gas and food on the increase, families can't afford the next loaf of bread, the next gallon of milk, the next tank of gas or the heating bill for their homes.

Two, job security. As we continue to rely on OPEC countries for oil, we are refusing to create jobs here. Consider this: One oil refinery during construction would be 8,000 jobs and then another 1,800 during its use. Oil and natural gas exploration employs nearly 386,000 workers. We could double or triple this number if we drill for more oil. Indirect incomes in other industries resulting from this gas activity can support another 4 million jobs, and this bill cuts out our vast coal supplies and the jobs from clean coal energy and coal-to-liquid.

Three, our economic security is also threatened. As we rely on OPEC countries, other nations in the Mideast get rich off our dollars. Our national debt continues to rise and our dollar falls. OPEC buys our national debt, buys our businesses, and our trade deficit with energy gets worse.

Fourth, our national security. Many of these oil producing countries are threatening the United States. Iran uses oil money to fund missiles and nuclear weapons and supplies bombs to attack our troops. Russia invades Georgia, threatens the Ukraine, threatens Poland, and sends bombers to Venezuela.

We must drill for our own abundant oil as a means to end our dependence on foreign oil, but this bill cuts off 90 percent of U.S. oil off our coasts, which means we cannot use that energy to help our country.

Americans understand: We cannot tax away the independence. We cannot cut off our energy as a way to independence. We can and should use our oil, use our coal, use our nuclear energy, use our innovation and use conservation to be energy independent. That comprehensive solution is what we have to have. That's not what we have yet.

Mr. RAHALL. Mr. Speaker, I yield myself 30 seconds.

I'm glad the gentleman from Alaska has returned to the floor and reclaimed managing on his part. I hope he's been back in the cloakroom speaking to his Governor, Sarah Palin, and urging her to speak with his Presidential nominee, JOHN MCCAIN, in regard to opening up ANWR, since the gentleman is so anxious to open up ANWR. I would note that his Presidential nominee is opposed opening ANWR as well.

This legislation, however, increases domestic oil production in Alaska by mandating annual lease sales in the National Petroleum Reserve which has more than 10 billion barrels of oil, more oil than the Arctic Wildlife Refuge.

Mr. Speaker, it's my honor to yield 4 minutes to a very distinguished member of our Committee on Natural Resources, the gentleman from Oklahoma (Mr. BOREN).

The SPEAKER pro tempore. The gentleman from Okmulgee is recognized for 4 minutes.

Mr. BOREN. Thank you, Mr. Speaker. We're proud that you were born in Okmulgee, Oklahoma.

Mr. Speaker, I rise today to join my colleagues in support of the Comprehensive American Energy Security and Consumer Protection Act. That's a long name. This legislation represents an investment in America's future that will reduce our dependence on foreign oil, develop our domestic energy resources, and lower energy costs for American families.

There are several reasons to support this bill. However, the most important one is that it expands the use of natural gas as a reliable energy resource for the future.

Natural gas is clean, it is efficient, it is less expensive, and as recent studies have shown, available in abundant supplies. The natural gas provisions in this bill greatly expand our Nation's domestic gas infrastructure by providing tax incentives for consumers to install natural gas refueling stations in their homes and creating more natural gas pumps at gas stations across the United States.

In my home State of Oklahoma, we have a long and proud legacy of leadership in providing our Nation with reliable energy. The energy industry in Oklahoma is one of the largest private employers in my State, providing economic opportunity to Oklahomans and a sense of purpose in helping our Nation meet its energy needs.

In my congressional district, we have seen counties where unemployment rates stood between 10 and 15 percent year after year, now are reporting rates below 2 percent because of the energy industry. That is the type of economic prosperity that the natural gas provisions in this bill could bring to many other places across the United States.

It's been said that natural gas is the bridge that will allow us—and you see this in the Boone Pickens ads—that will allow us to reach domestic energy independence and a future of renewable energy. Mr. Speaker, the natural gas provisions in this legislation will build that bridge.

It's been an honor to work closely with my friend and colleague Representative RAHM EMANUEL to make sure that the provisions of our natural gas vehicle bill were included in this legislation.

In addition to natural gas, I'm also supportive of the expansion of coastal drilling. It is another critical step toward reducing our dependence on foreign oil and ultimately lowering gas prices.

I have long supported expanded offshore drilling, as well as drilling in ANWR and everywhere else domestic energy can be found. It is my hope that as we move forward we can work together to increase domestic drilling opportunities in future legislation.

While I support this bill before us today, I do have concerns about several provisions, including the repeal of important energy tax incentives, the increase of royalty fees, as well as the so-called use-it-or-lose-it requirement.

I also feel that the renewable electricity standard included in this bill could very well be an unrealistic mandate as it is written currently.

I look forward to working with my fellow colleagues to address these concerns in the future, but at the end of the day, I support this legislation because it represents a critical turning point in our Nation's energy future. Today is the day we begin to open our domestic drilling opportunities. It is a day when we created a new market for the benefits of natural gas and a day when we began to take action towards securing our energy independence.

Rather than viewing oil and gas companies as enemies as a lot of people on my side of the aisle do, I think they are for American progress. We must instead view them as partners in the effort to provide innovative solutions that we need.

The contents of this bill were written in the spirit of compromise, and I commend my fellow colleagues on both sides of the aisle that have dedicated their efforts to increase energy supplies in this country.

For these reasons, Mr. Speaker, I encourage my colleagues to support the final passage of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 30 seconds.

The gentleman from West Virginia was giving a history lesson a moment ago. We passed ANWR on this House 10 times, never got out of the Democrat Senate side because of filibuster, and Bill Clinton vetoed it. And my candidate has sort of changed his mind with his new Vice Presidential candidate, who is going to be the next Vice President of the United States, who strongly supports drilling in ANWR.

I am convinced with her great personality and her knowledge, she will be able to convince him the right way, more than we do Mr. OBAMA.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I want to thank the ranking member from the Energy and Commerce Committee.

When President Bush lifted the Presidential moratorium on offshore oil drilling, the price of oil dropped $12 a barrel immediately and began falling ever since.

I have said many times over our summer recess that if Congress passes an energy bill that increases the production of domestic energy, the markets will react with lower prices.

□ 1745

That is the litmus test that Congress should use to determine whether we are delivering what the American people want, which is lower gas prices.

The Democrat energy bill will be received with a resounding thud on the world markets. It won't move the price of gas one cent because it provides no incentive for States to increase production offshore. Unlike the comprehensive American Energy Act, the bill that we are voting on today does not address oil shale production, lawsuit reform, environmental ESA reform, streamlining nuclear energy processes, coal-to-liquid technology, increasing refinery capacity, or opening ANWR. However, the bill does include a drawdown of our Strategic Petroleum Reserve, the fraudulent use-it-or-use-it legislation, and the extremely costly renewable energy mandate.

Over the next 20 years, U.S. oil consumption is projected to grow even after factoring in a projected 26 percent increase in renewable energy supply and 29 percent increase in efficiency. Unless we look for and develop new U.S. reserves, reliance on foreign sources of oil—already over 60 percent—will continue to rise. OPEC will continue to manipulate production levels and prices.

Ladies and gentlemen, it's time to support the American Energy Act.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Pennsylvania, a member of the Ways and Means Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, I rise in support of the Comprehensive American Energy Security and Consumer Protection Act.

The United States consumes 25 percent of the world's oil, yet only holds 2 percent of the world's oil reserve. The fact is that we cannot simply drill our way out of this energy crisis, but that's exactly what Republicans would lead you to believe, that drilling is the answer. But it is simply shortsighted, misleading, and wrong.

We can drill responsibly, but lower gas prices and energy independence require immediate and significant investments in American innovation in alternative fuels, investments in renewable energy technology, and in energy efficiency.

The Republicans say that they want an all-of-the-above plan. Well, that's exactly what we have before us today. This proposal is a 21st-century energy plan that spurs innovation, puts the Nation on a path to energy independence, and lowers gas prices for American families and American businesses.

It will expand renewable energy production and improve energy efficiency through $18 billion in tax incentives paid for by repealing subsidies to the oil industry. It will promote conservation by encouraging the construction of commercial buildings that are 50 percent more energy efficient. It will increase domestic production of traditional energy sources by allowing new offshore drilling. And it will create hundreds of thousands of new high-quality, good-paying American jobs.

This plan is a stark contrast to the Republicans' drill-only mantra. If my colleagues on the other side of the aisle want to vote for an all-of-the-above approach, this is their chance. Vote for a uniquely American solution to our security and to America's energy future.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes remaining. The gentleman from Alaska, 60½; 64½ for the gentleman from West Virginia.

Mr. BARTON of Texas. Mr. Speaker, at this time, I would like to reserve the balance of my time and yield back control of the Republican time to the distinguished ranking member of the Resources Committee, Mr. YOUNG.

Mr. YOUNG of Alaska. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, this is a gas receipt. All of us have seen our constituents give us these gas receipts. This is for $89. It's what Boone Pickens says is the largest transfer of wealth in the history of the world.

Now I'm going to show you where that money is going. A lot of it is going to Dubai. Dubai, they're our allies. If you had gone to Dubai before the cost of gasoline went up, you would have seen this picture. This is the main street in Dubai, a dirt road; and the only thing higher than two stories was a mosque.

Now let me show you Dubai today. That's where the infrastructure is being built. It's not in the United States. There are more construction cranes in Dubai than there are in the United States, 25 percent of them in the world.

Now here's my point: Do you know what Dubai is doing? Do you know what Abu Dhabi—do you know what the United Emirates are doing at this very moment? They are building or plan to build 14 nuclear power plants. They're building nuclear power plants. They're going to generate their electricity exclusively from nuclear power. Why? Because we don't get it; they get it. They're going to sell oil to us because we're not going to develop nuclear power. China is building 30. India is building 17.

This bill doesn't get it. Senator OBAMA, Senator BIDEN, they're opposed to nuclear power. They're not doing what the oil-rich Arabs are doing. Thank goodness Senator MCCAIN and Governor Palin, they get it. The Republicans get it. This bill has no nuclear power in it. This bill is not going to stop the largest transfer of wealth in the history of the world. You can't do it without nuclear power.

Let's come back with a real energy solution. And I say to my friends on the other side of the aisle, your bill doesn't get it. Dubai and Abu Dhabi will continue to build their nuclear power plants; we will build none.

And energy is the number one factor in manufacturing. We're going to lose our manufacturing. They're going to get it because they get it and you don't.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. Before I give my prepared remarks, I'd like to say that one of the reasons that I am so supportive of the Democratic proposal is because it does not have nuclear energy reliance which has a nuclear waste problem that no one has been able to solve.

Mr. Speaker, I rise today in support of this important legislation which will help our Nation move towards a cleaner, more sustainable energy future.

This bill provides necessary tax incentives for electricity produced from renewable resources, including wind, solar and geothermal. These incentives will provide badly needed assistance to clean renewable energy companies in my home State of Nevada and throughout the country that are working to diversify our Nation's energy portfolio and clean up our environment.

Power from the sun and wind and geothermal are unlimited. And these

entrepreneurs are ready to build and expand our renewable energy resources as soon as we in Congress give them the tools they need to move forward.

Energy independence is not just an environmental issue or an economic issue, it's a national security imperative. We pay exorbitant prices for oil from countries like Venezuela and Saudi Arabia, who support and finance terrorism and terrorist attacks on America and our allies. We must stop funding both sides of this war on terror. By encouraging the development of renewable energy and energy independence, this bill helps move this country in the right direction.

Our Nation has only 3 percent of the world's oil reserves, and yet our energy future is being held up on the fantasy that we can drill our way out of our energy problems.

Mr. Speaker, we need to move ahead and grow our clean energy resources instead of relying on old 20th-century technologies like nuclear, that is not clean or safe or inexpensive, or industries like oil that pollute our air and contribute to global warming to satisfy our Nation's energy needs.

Let's invest in our energy future by supporting this good piece of legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to address the false choice being offered to America on the House floor today.

Despite months of pleas from the American people, the Democrat leadership of this House is still trying to dodge the issue of real energy reform.

We can't expect this country to break its addiction to foreign oil if we continue to address only half the problem. But that's exactly what this bill does. It includes numerous provisions aimed at boosting conservation. I support them. In fact, I'm the lead Republican cosponsor on a bill that closely mirrors a section of this legislation dealing with clean buildings. I'm also a strong supporter of the development and deployment of renewable and alternative energy technologies like hydrogen, cellulosic ethanol, geothermal, solar and wind. But to call this bill we're considering today a comprehensive energy solution is just plain wrong.

Some on the other side of the aisle would have us believe that this bill will open new areas of the Outer Continental Shelf to offshore exploration. Instead, it discourages States from allowing drilling off their shores. By not allowing States to share in the royalties from offshore oil and natural gas exploration, we virtually guarantee that no State would permit production off its coast.

In addition, it includes no new refinery capacity, no clean coal, and zero nuclear energy. In my home State of Illinois, we rely on nuclear power for 50 percent of our energy needs. It's safe, carbon-free, and could provide sustainable domestic energy for decades to come. Scientists at our national labs have developed new reprocessing technologies that will allow us to reburn spent nuclear fuel, vastly reducing the toxicity and the volume of waste. With this new process, we can solve the waste problem.

Does anything in this bill take advantage of the advances we have made in nuclear power? No. Instead, the bill includes a renewable energy mandate that will raise energy costs for consumers who live in States like Illinois that rely heavily on clean nuclear power.

Mr. Speaker, we can do better. Let's work together on the all-of-the-above energy package that embraces long-term energy solutions while also boosting production and conservation to provide near-term relief at the pump.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from California, Ms. ANNA ESHOO.

Ms. ESHOO. I thank the distinguished chairman of the committee.

Mr. Speaker, I rise today in support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act of 2008.

As the title of the bill makes clear, there is no greater threat to our economic or our national security than our dependence on fossil fuels. Our Nation is acknowledging something, and that is that we have an addiction to oil and that we are so totally dependent upon it. And who benefits from this addiction? Iran, Venezuela, Russia, rogue regimes. And they are all getting rich off our reliance on a 19th-century energy source. Today, we have an opportunity to strike a blow to some of the most dangerous regimes and promote American economic and American national security. And that's what this bill represents.

The simplistic and unconditional ''drill here, drill now'' rhetoric is not a real response to these challenges. It really falls short of what some of the great leaders of our Nation put forward at another time during the history of our country.

We have to lift ourselves up to end this dangerous addiction by developing renewable energy sources and become energy efficient. Solar panels, electric cars, fuel cells, efficient data centers and green buildings are all being developed by innovators in my congressional district in Silicon Valley. With these technologies, we can export energy to the world instead of being an importer of fossil fuels.

This bill is fully paid for—and I think my Republican friends need to listen up to this—by rolling back needless subsidies to the oil companies, and will develop a renewable energy industry, will create American jobs, will increase production, and will motivate investments in renewable energy through tax credits.

Oil is a necessary source in the near term, and the bill provides for responsible drilling. I think we need to protect our precious coastal regions. And with the offshore oil drilling moratorium expiring in a few weeks, our coast will be open to new leases.

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

Mr. RAHALL. I yield the gentlelady an additional 30 seconds.

Ms. ESHOO. No one wants oil rigs sitting three miles off our coasts; my constituents don't, maybe some others do. But that's why this bill protects 50 miles off of all of our coasts and gives the States the right to review to opt in or not.

This bill is all about the future. Some, placing our country at risk, will choose the past, to stay with the past and to remain addicted.

This bill is a pathway to the future. I'm proud to support it, and I urge my colleagues to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to traffic the well while another Member is under recognition.

□ 1800

Mr. SALI. I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, this bill is all about the future. It's about protecting the Democrat incumbents to make sure they get reelected. This should be called ''The Protect Congressmen and Congresswomen Bill.'' We're bringing this bill to the floor at the 11th hour just before we adjourn for this year, unless we have a special session. They know full well this bill is not going to get through the Senate. So we're not doing anything. This is window dressing.

We have a severe problem in this country, and they're doing nothing but creating a facade so the American people will think they're doing something when they're not. This bill will not do anything to help people with the price they are paying for food, gasoline, clothes or anything else that is transported by diesel or gasoline. It's not going to do anything because it's not going to go anywhere.

In addition to that, this bill has no nuclear, no clean coal, no refineries and no revenue sharing with the States. So if a State says they want to drill off the coast 50 or 100 miles, which is a long way and it's going to be really deep, they are not going to do it unless they're going to get something back, some revenue back. Why else would they do it? So this bill is really a facade because it's not going to encourage the States to allow drilling off their coast because they don't get anything for it. This bill increases taxes on the oil companies. It's going to discourage further exploration and further drilling.

This bill is something that the American people ought to know is a fraud. It is not going anywhere. It's not going to

solve the gasoline crisis problem. It's not going to solve the energy problem. But it's going to help reelect some of the Democrats because they have heard from their constituents when they went home, you have to do something about the energy problem. You have to drill here in America. You have to pass a bill. So they're going to pass a bill. But this bill is not going to do anything. It's going to accomplish nothing. It's not going to get through the Senate. And we're going to be in the same situation 6 months from now because they will not move a real energy bill.

There was a bipartisan bill that Mr. ABERCROMBIE of Hawaii and Mr. PETERSON of Pennsylvania sponsored. I was a cosponsor of that bill. It had all kinds of compromises in it. But it dealt with the energy crisis. They don't want that bill. The Speaker doesn't want that bill. And they're not going to do a darn thing, and the American people ought to know.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon, a valued member of our Committee on Natural Resources, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentleman.

The oil and gas industry contributed $166 million to the Republicans since 1990, 75 percent of their political contributions. Fact: When President Bush took office, gas cost $1.47 a gallon. Today gas costs $3.79 a gallon in my district. Fact: In 2002, the oil companies made $30 billion in profits. In 2008, it's projected they will make an unbelievable record $160 billion in profits, every penny of that extracted from American consumers and American small businesses and borrowed from overseas, putting us in huge trouble.

The oil companies took care of their Republican cronies and the Republicans legislated on their behalf. When they controlled everything, the House, the White House and the Senate, they passed the so-called energy bill. It took them 5 years to write it. And they passed it. We're living with the consequences, which is the huge increase in profits and the huge increase in prices to consumers.

The choice is clear. Do we pass a bill written by Democrats who are not beholden to Big Oil, or do we pass another Republican bill, those who legislated this mess in the first place? Do we break our dependence on fossil fuels and mandate renewal energy, or do we ignore the ravages of global warming, drill, dig, burn and borrow our Nation to debt and dust?

Today I will vote for energy independence, sustainability and affordable energy prices. Many of my Republican colleagues will vote yet again for bigger oil company profits. Congratulations to the Grand Old Oil Party. They're very consistent.

Mr. SALI. I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today as my colleagues across the aisle try to deceive the American people with this none-of-the-above, no energy plan. H.R. 6899, the Democrat energy bill, does nothing to address lawsuits from radical environmentalists, which means that leases will be tied up in court for years. It allows no drilling within 50 miles of American shores. This alone rules out most of the promising areas in the Gulf of Mexico. It gives no revenue sharing to States that allow offshore drilling. This bill would actually cost these States money. States will have no incentive to allow drilling from 50 to 100 miles. It imposes tax increases on oil companies right when they need to invest in new development. These tax hikes will be passed on to consumers and will raise the price of gasoline and home heating oil. It does nothing to promote oil shale, nuclear power, clean coal, new refineries or Alaskan oil.

I am concerned about using oil shale in particular, being from Colorado. According to estimates, there are 1.23 trillion barrels of oil in oil shale deposits just in government-owned lands. This legislation does not provide a solution that advances oil shale development. It is estimated that access to this American supply of energy could supply American domestic gasoline needs for 200 years.

In essence, the Democrat bill does not open up offshore drilling as it purports to do. It makes no progress on other major sources of energy. And it actually raises the cost of oil and gas through tax hikes and raises the cost of electricity through its renewable energy standards. This bill is not just a sham and a fraud, though it is that. It will actually damage our economy. It will kill jobs, and it threatens our economic future as a country.

Mr. RAHALL. Mr. Speaker, just to remind the previous gentleman, he ought to read the bill because there is a State opt-in for oil shale leasing, including in his own State.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE) who has been a real stalwart in helping us develop this comprehensive energy bill.

Mr. ALTMIRE. My friends on the other side of the aisle, those who stood in this darkened House Chamber for weeks asking Congress to return to vote on a drilling bill, will bemoan the fact that this bill is not identical to their bill, but no one in this House, Republican or Democrat, got everything in this bill that they wanted. Every one of us could find something we would like to take out, something that was left out that we would like to put in, or language that we would like to change. But that is how the legislative process works. The finished product is a result of give-and-take compromise put together in a way that can pass by majority vote. That is what we're here for, right? To pass an energy bill.

But the truth is, Mr. Speaker, those on the other side have been a part of this process. For months, we've heard their cries of ''drill here, drill now.'' For months they have talked of nothing else. So here we are today taking up a bill that triples the territory that is available for offshore drilling. And during the 6 years the Republicans held control of both Congress and the White House, they had the chance to write the bill exactly as they wanted. And during those 6 years, they did nothing to reduce our dependence on foreign oil and nothing to advance their ''drill, baby, drill'' war chant. For 6 years the American people watched and waited for the Republicans to act but got nothing in return.

So now it's our turn, and today we will pass a bill to expand offshore drilling. So to my Republican colleagues, I say their voices have been heard. Their views have been included. And they should take ''yes'' for an answer.

Mr. SALI. I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman. My colleague on the other side just said nobody got everything they wanted out of this bill. The reality is nobody gets anything out of this bill. Nobody gets anything of out of this bill except the environmental groups who will sue to block all oil production. The reality is we are legislating to solve a crisis that we created. It was the Congress at the urging of environmental groups that blocked Outer Continental Shelf drilling. It was the Congress that blocked drilling in the Inter-Mountain West. It was the Congress that blocked drilling in Alaska.

Do you know what that has done? That has cost Americans jobs. That has cost the people in my district their chance to earn a livelihood because we locked that all up. Are we opening it up today? Is my colleague right that this is a compromise? Absolutely not. We are not opening up one single square inch of drilling. Let me make it clear. The Sierra Club said ''we are working very hard on this bill to ensure that its focus is not expanded offshore drilling.'' Mr. MURTHA, a close friend of Speaker PELOSI, said, he admitted that, this is a political month. Last Wednesday, he said that there are all kinds of things we are going to try to do that will go away after we leave.

They don't plan to produce oil under this bill. It's just talk. The legislative director of the radical Natural Resources Defense Council acknowledged the same thing about the Democrats' ploy: ''This is about politics, not necessarily about policy.'' Democrats know that not a drop of oil will be produced because lawyers will file lawsuits stopping every single one. Let me make the point: The administration last year issued 487 leases in the Chukchi Sea. Environmental groups sued to stop and have stopped all 487.

The administration has a total of 748 leases in the Chukchi Sea and Beaufort Sea. How many lawsuits have been filed and how many leases have been challenged in lawsuits? All 748. Various oil companies in February of 2007 filed

exploration plans for 12 separate leases in the Beaufort Sea. How many of the 12 have been challenged? Every single one. The BLM in New Mexico offered for sale 78 leases in New Mexico, Kansas, Oklahoma and Texas. How many have been sued? Every single one.

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

Mr. SALI. I yield the gentleman 30 additional seconds.

Mr. SHADEGG. The truth is this problem could be easily solved. If my Democrat colleagues were genuine about wanting to create American jobs, about putting Americans to work and about getting off our dependence on foreign oil, then put reasonable language in the bill that limits lawsuits. We can allow lawsuits. But they don't have to be dilatory. They don't have to be such that no oil will ever be produced.

Sadly, the Speaker called our efforts to produce a hoax. If you don't fill the litigation loophole in this bill, this bill is a hoax. And it's not nice to fool the American people, to tell them you're doing something when you know you're not doing anything.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. RAHALL, for bringing this bill to the floor, building this bill and spending a lot of time over the last 2 months to bring a compromise piece of legislation. And I want to focus first of all on the part of the bill that Mrs. BIGGERT was talking about, which is the Green Resources for Energy Efficient Neighborhoods (Green Act), which is a bipartisan section of this bill designed to make housing, commercial and industrial properties more energy efficient.

Now, how anybody on your side of the aisle could complain about energy efficiency is way beyond me because a barrel of oil saved is a barrel of oil earned, a Btu saved is a Btu earned, and how anybody could complain about that section of the bill, which Mrs. BIGGERT didn't, is beyond belief. She is a cosponsor of the Green Act out of Financial Services. But it creates a green mortgage market, it upgrades 50,000 units of HUD to energy efficient standards. We've seen and heard in our committee that HUD's utility costs have gone from $3.5 billion 4 years ago to $4.6 billion this year. We need to come up with different ways to power our country and be more efficient in how we do that. So there are all sorts of energy efficient measures that are a bipartisan portion of this bill.

But my friends on the Republican side of the aisle want to come up with the same old complaints, the same old arguments, the same old answers and the same old results. And it's all about oil. The problem is if we're addicted to one commodity, one fuel that is controlled by eight countries and five oil companies, we're going to have these problems all the time.

And I would like to say that our friends had the opportunity several years ago to come up with their energy bill. And the Majority Leader at that time, JOHN BOEHNER, said the GOP energy bill would bring down prices. He said, ''So what is being done to bring gas prices down? The Energy Policy Act of 2005 is a balanced bipartisan bill that will ultimately lower energy prices for consumers and spur our economy.'' (8/19/05).

It couldn't be farther from the truth. Gas prices have just gone up, so we've got to have a comprehensive approach. It can't just be about oil, although this bill does expand domestic production by a lot.

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

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

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Mr. PERLMUTTER. We have all sorts of opportunities for additional drilling, offshore and onshore. And my friend from Colorado couldn't have been further from the truth when he said there was nothing in there about oil shale. Oil shale is part of the opt-in process here.

This is a comprehensive bill that includes coal, includes renewables, includes energy efficiency, includes domestic production. This is the kind of thing that we need to break ourselves from the dependence upon oil from foreign countries. But with two oil men in the White House, what would you expect about gas prices? Gas prices are going straight up, and that is just what the Grand Old Party wants.

Mr. SALI. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), the ranking member on the Ways and Means Committee.

Mr. MCCRERY. Mr. Speaker, I just want to say in response to the last speaker for the majority that the energy bill that he derided that we passed on a bipartisan basis in 2005 is basically included in this bill. You take the same tax provisions, for example, that we had in that bill and you just renew them. So the bill that we did in 2005 wasn't bad, evidently, because you have embraced it. It is just that it wasn't enough.

Now, finally, I think the country and people around the country understand the importance of not only preparing for the future, which admittedly we have to do, but in 2005 when we said ultimately that bill will lead to lower prices, we think it will, once we get alternative fuels on the market. But we have to develop those. We provided incentives in that bill, as you do in this bill, to generate activity in those alternative fuel sectors. But what we also need and what the country has come to embrace now I think is more domestic oil and gas production to bridge us to that future.

We are not there yet. This bill, unfortunately, doesn't provide that bridge. It is advertised as such, but I would submit that it is false advertising.

This legislation, produced unfortunately in secret by the majority and released just late last night, is a sham. It permanently locks up large portions of the Outer Continental Shelf, putting it off-limits to oil and gas producers, meaning that any claims that this bill will help promote energy security, certainly in the short-term, and by that I mean for the next 20 or 30 years, is just not the case.

Moreover, in what surely must go down as one of the biggest bait-and-switches in legislative history, the majority claims to open up some areas far offshore for production, but only if the States agree, only if the States opt in, and then it is only a few States. And to try to sour that deal, this bill removes the typical revenue sharing that would go to that State, in effect eliminating a major financial reason for States to allow drilling off their shores.

Because of this omission in the bill, even my senior Senator, who is a Democrat, sees the foolishness of this bill's approach. She is quoted in the New Orleans paper as saying in reference to this bill that is on the floor right now, ''It most certainly won't see the light of day in the Senate.'' That is because of the omission of the revenue sharing in this bill. What she means is it won't see the light of day in the Senate because they know on a bipartisan basis in the Senate that this bill won't produce any more offshore drilling because States won't opt in if there is no revenue sharing for this bill.

So, Mr. Speaker, I urge this House to do an all-of-the-above bill on energy, and not a none-of-the-above bill, like this bill represents.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

The gentleman from Louisiana has just described the revenue program as ''typical'' and that we are doing away with the ''typical revenue sharing.'' I would remind my colleagues, that is not an accurate statement.

The OCS Lands Lease Act passed in 1954 had zero revenue sharing in it. Zero revenue sharing. It was only in 2006 when this Congress passed revenue sharing to allow four States to share in that money, due to hurricane relief, those four States being Texas, Louisiana, Mississippi and Alabama. Revenue sharing was a one-shot deal.

So for the gentleman from Louisiana to describe it as typical, and many on that side have attacked this bill because there is no revenue sharing, a bribe to the States, if you will, to opt in, is just not an accurate description of this legislation. Revenue sharing has never been typical of leasing and the Outer Continental Shelf.

Mr. MCCRERY. Will the gentleman yield?

Mr. RAHALL. I will yield.

Mr. MCCRERY. Thank you. You are right with respect to offshore drilling, and I think that has been an unfortunate omission throughout the years, and we have corrected that recently.

Mr. RAHALL. Reclaiming my time, it was a one-shot correction due to hurricane relief, Katrina.

Mr. MCCRERY. That was the bridge that got us there. But certainly with respect to onshore production on Federal lands, there typically has been revenue sharing, is that correct?

Mr. RAHALL. Onshore, yes. We are talking about the Outer Continental Shelf here. You said OCS.

Mr. MCCRERY. For the same reasons, we should have revenue sharing for offshore.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the chairman.

I rise to support the Comprehensive American Energy Security and Consumer Protection Act. This bill is a real comprehensive energy solution, one that will bring down gas prices in the short-term and, most importantly, end our national addiction to oil in the long-term.

This is the energy plan that Americans have been waiting for since the oil embargo of 1973. The sooner we take oil out of the equation, the better it will be for our economy and our national security.

This legislation has the potential to dramatically reduce gas prices and set our country on a path to energy independence with real investment in clean technologies and provide tax breaks for individuals and businesses which make smart energy choices.

In this package we treat oil as a transition to the innovative technologies of the future, but it is only a transition. Congress has finally learned through the American people that we cannot continue to feed our oil addiction and remain competitive in a global economy.

This package opens up new parts of the Outer Continental Shelf for drilling, 85 percent of it, and it also includes the drill-it-or-lose-it provision that I have supported. This basically says that Congress is telling the oil companies that they must drill on the land or offshore areas that they already control, or step aside and let someone else drill on that area.

I have always believed that most Americans believe that that ingenuity that put a man on the Moon can and will solve our energy crisis, and this package provides the necessary incentives for our scientists, researchers and entrepreneurs to perfect the next generation of clean, affordable energy sources. America is well ahead of the Bush administration on energy policy, and is more than ready to embrace this comprehensive energy plan.

Mr. SALI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, Carl Pope, the executive director of the Sierra Club, was quoted as saying, ''We are better off without cheap gas.'' Well, maybe the wealthy members of the Sierra Club aren't hurt by $4 gasoline and gasoline that will go much higher if we don't increase production, but many middle and lower income Americans are hurt by this, and we can't let radicals just put all types of energy production off-limits in this Nation if we are going to remain viable economically and not shut this country down from an economic standpoint.

This bill has been described by several people as a hoax bill. The hoax bill that we are considering now claims to lift the congressional moratorium on offshore drilling. In reality, it would keep 85 to 88 percent of offshore oil production off-limits and really allow drill only where there is very little oil and oil that is very expensive to get.

The hoax bill that claims to be a consumer protection act would raise taxes on oil companies by $17.7 billion. Well, who do you think pays these taxes? The consumer does, that is who. So the hoax bill protects consumers by passing on billions of new taxes to them.

The hoax bill allows States to opt in by allowing oil drilling, but does not allow States to share in the revenue. That is giving States no incentive to allow for this drilling.

The hoax bill does not even open up the 19.8 million acre Arctic National Wildlife Refuge where billions of barrels of oil could be produced. This is an area, Mr. Speaker, 36 times the size of the Great Smoky Mountains National Park, where over 9 million people visit each year. Only a few hundred visit ANWR, and where they want to drill is a frozen tundra, millions of acres without a tree or bush on it. I have been there twice. They want to drill on only 2,000 or 3,000 acres out of these 19.8 million acres.

We passed this 12 years ago, but President Clinton vetoed it, thus stopping a million barrels a day for the U.S. every day since then. We were told then and several times since then that allowing more drilling wouldn't help immediately. But we said it would in a few years.

If the Republicans in Congress had their way, we never would have seen $4 a gallon gas. Now Republicans have bills that are not hoax bills and that would do something for the middle and lower income people of this country.

Mr. Speaker, finally, if we are ever going to lower the cost of gas and other forms of energy, we need to restore government of, by and for the people, and not government of, by and for wealthy environmentalists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members not to traverse the well while another Member is under recognition.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for his leadership.

Today we have arrived at a moment of truth on energy policy in this body. For weeks, our Republican colleagues have claimed they want a comprehensive piece of legislation, an all-of-the-above piece of legislation when it comes to energy policy. Now we have just such an initiative before us on the floor of this House, and they won't take ''yes'' for an answer.

It turns out that they want all of the above with a big asterisk next to it. It turns out it is all of the above, except let's not take away some of the taxpayer giveaways and subsidies to the big oil and gas companies and use those moneys instead for renewable energy and energy efficiency.

I think the American people know what a cozy relationship there has been between the Bush White House and Big Oil. I think last week we learned just how cozy that was between the Bush Department of the Interior and the oil industry.

This bill does two main things. First of all, it greatly expands opportunities for responsible offshore drilling in our country, and uses the royalties and proceeds from those drilling operations to invest in renewable energy and energy efficiency.

But let's not try and fool the American people. The Department of Energy has made it clear that even if you drilled on every square inch of this country today, you wouldn't see a drop in price of gas at the pump for a very long time and the price impact would be minimal. Why? The United States has 3 percent of the world's oil reserves and guzzles 25 percent of the world's oil.

You cannot drill your way to energy independence, which is why we have the second part of this bill, which is a huge increase in renewable energy and energy efficiency, why we establish a national 15 percent renewable energy standard by 2020. That is why we redirect the subsidies away from the oil and gas industry, who are making record profits, and invest that money instead in renewable energy and energy efficiency.

It is too bad that in listening to the debate today, that our Republican colleagues will not cease this opportunity to move forward together on what is a comprehensive plan. It is too bad that they refuse to break that connection with the oil and gas industry as a result of the provisions in this bill that say let's redirect those subsidies.

This is a serious challenge that our country is facing. This is a serious proposal that is put forth to bridge the differences and try to move forward together on an important piece of legislation for the American people. It is unfortunate, just listening to the debate, that some of our colleagues want so badly to have a political issue to take to this election that they refuse to come together as one in this body to actually get something real done.

Mr. Speaker, the American people deserve better than that. They deserve a piece of legislation that will move us forward on this very important issue.

They deserve for this House to support this bill.

Mr. SALI. Mr. Speaker, may I inquire as to the time remaining for each side.

The SPEAKER pro tempore. The gentleman has 56 minutes remaining, and the gentleman from West Virginia has 48 minutes remaining.

Mr. SALI. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise to oppose the Democrat energy bill, the Comprehensive American Energy Act.

I have enormous respect for the gentleman from Maryland. This is a serious issue. The American people are hurting. Gasoline prices in eastern Indiana in 6 hours on Saturday went from $3.79 a gallon to $4.29 a gallon. They expect this Congress to come together. Where I respectfully disagree with my colleague from Maryland is this is a serious issue, but this is not a serious proposal.

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A serious proposal is considered in committees. A serious proposal is the subject of hearings. A serious proposal is the subject of more than a half a day of debate on this floor. A serious proposal gives consideration to all the Members of this Congress through the amendment process.

The truth of the matter is this Congress is coming to this point, because after 20 months of the Democrat majority refusing to bring a vote to the floor to allow more domestic drilling, House Republicans took this floor in the month of August, and we held it. We demanded an energy bill, a comprehensive bill that said ''yes'' to fuel efficiency, ''yes'' to conservation, ''yes'' to solar, wind, and nuclear, and, ''yes'' to more domestic drilling.

The Democratic majority, the drill-nothing Congress, cried ''uncle,'' and it brings us to this day. But I would suggest to my countrymen, as you hear again and again, that Republicans are refusing to take yes for an answer. Read the fine print.

Reality is that this is no longer a drill-nothing Congress; it's a drill almost-nothing Congress. They say ''yes'' to drilling in this bill, but not in Alaska, not in the eastern coast and not within 50 miles. They say ''yes'' to drilling, but States can decide whether we do it or not, and they won't get a single penny from revenues for allowing drilling off their shores. I guess we are just going to rely on the goodness of our States' hearts to open up their shorelines to more drilling.

They say ''yes'' to drilling, but litigation rules will allow environmental lawyers to tie up the leases from the very day they are filed. I say to my House Democrat colleagues, from my heart, don't do this.

Daniel Webster said it a century ago, and it's chiseled on the wall. Let us develop the resources of our land and call forth its power, and let us do something worthy to be remembered.

We can do better than this. We can pass a bipartisan comprehensive energy bill, and I urge my colleagues to do that.

Mr. RAHALL. Mr. Speaker, God forbid, that this bill be known as a drill here, drill now, drill everywhere, drill irresponsibly piece of legislation.

I yield 1 minute to the distinguished majority leader, a gentleman who has done yeoman's work in bringing this together as a caucus on this legislation, and I salute his knowledge and expertise in developing this legislation, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

This is a serious issue, and there are a lot of related issues.

The gentleman who spoke before me, and I have a great deal of respect and affection for him, we treat one another with respect. We put a price-gouging bill on the floor because we were concerned about the spikes in pricing. Indeed, we saw, as Ike was coming and bearing down on Texas, before it ever got to the shoreline, there were $5 per gallon prices, before it ever got to the shoreline, before it ever destroyed anything.

My friend voted against the price-gouging bill.

These are serious pieces of legislation. The Republicans were in charge of the House for 6 years. In 2001, 2002, 2003, 2004, 2005, and 2006, they controlled the White House.

I have in my hand the eight pages that the administration, Mr. Bush, has submitted to us, President Bush submitted to us, over the last 8 years. Six of those years they were included in the appropriations bills passed by the Republican Congress and Republican Senate and signed by a Republican President.

In each of those bills, the administration asked to continue the moratoria on drilling, every one of them, passed for 6 years by your Congress. We didn't have the votes to pass anything.

Then we took over the control, because the Congress was fed up, frankly, with a complacent, do-nothing Congress, complicit in moving in the wrong direction, which 82 percent of America thinks we are now on, the wrong direction.

This Congress has mightily tried to change direction, and, in fact, we have in many areas, including a comprehensive energy bill last year that the President signed. Sam Bodman said it was a great bill, the Secretary of Energy. It passed in a bipartisan fashion in both the Senate and the House.

President Bush, in last year, fiscal year 2008, submitted a budget document, he submitted it, which said, the moratoria should continue. This year, the President submitted a bill, for the 2009 fiscal year, which said the moratoria should continue.

So these crocodile tears about how Democrats have taken over and all of a sudden gas prices have spiked, you give us far more credit than we deserve in light of not being able to override the President's veto on almost anything that he didn't want. He signed some things that he didn't want like the minimum wage. He signed some things he said he wasn't going to sign, like the GI Bill. He signed some things that we passed through the House and Senate.

But these crocodile tears are unwarranted by your record, and by the submissions of the budgets, by your President, for 8 years running. Now, a couple of months ago, the moratoria which was put on by George Bush, his father, was lifted. Why? Because our constituents are hurting. Why? Because we are being held up by those who are selling oil. Why? Because the market is being manipulated and speculators are impacting on price.

You think that's not the case, or do you think all of a sudden demand went down by a third, so it went from $146 down to $92 today, within just a few months. Who believes the free market operates in a way that demand spikes for oil that much in a 90-day period? Nobody on this floor who is rational believes that.

Something is rotten in my home of Denmark. And, actually, it's not rotten in Denmark; it's rotten someplace, though. Mr. ABERCROMBIE is going to speak on behalf of this bill, as he met with Mr. PETERSON and tried to come together.

Originally this bill, the gang of 20 in the Senate, which apparently you don't like, because they are undermining the drill, drill, drill political advantage that you have sought, the 20 said let's deal with four States. We are saying let's deal with every State. We do say with sensitivity, as the previous speaker said about his State, States are going to have the opportunity to make a determination as to whether they want to proceed.

Now, you could argue that that shouldn't be the case, because, after all, that's Federal. It's not State property, you get that far out.

We have done a lot of work. We have done a lot of work in trying to work across this spectrum. I want to congratulate Mr. RAHALL and Mr. GREEN and others who have worked so hard to try to bring us together.

I will tell my friend, we do deal with oil shale in this bill. In your bill, you repeal a section which had caused a problem. We repealed that as well, so your bill and our bill did the same thing on that. Furthermore, we said three States that have substantial oil shale ought to have the same opportunity that the coastal States have to opt in to develop that.

Whether the technology is available now, I don't know. In part, I believe the arguments used on this floor, which I will say as an aside, I think was a misuse of this floor. But notwithstanding that, arguments that were made day after day after day were not

accurate, and you knew they were not accurate, which is why it made it so difficult to respond to.

None of you ever mentioned the fact that the President of the United States, George Bush, submitted, months ago and 7 years prior to that, and you passed 6 years in a row, on your watch, the moratoria, of which you now wring your hands.

All of us are concerned. All through the summer and into the fall Americans have been filling up their cars at record prices in my district and every district, $60, $80, $100 a tank and looking for Washington to help, to see what we could do about it. We are trying to do something about it.

Now, you passed an energy bill in 2005. Your Speaker, Mr. Hastert, your majority leader or now minority leader, Mr. BOEHNER, and my good friend, your whip, said to us, and I won't quote them all at length but I will quote your Speaker, Americans need this bill—your energy bill passed in 2005—to lower their energy prices, to drive economic growth and job creation, and to promote greater energy independence. That's what you said your bill was going to do.

You also said, of course, in 2001, that we were going to have the greatest economy we would ever have seen if we passed your economic improvement program. I doubt that any American believes that you accomplished that objective. You passed your bill, the President signed it. Just a short number of months later prices went from $1.46, when you took over, to over $4.20.

If it was a successful energy program, it was a successful energy program in driving up the price of gasoline for all of our consumers. To see what we could do about this we met, we talked to Mr. ABERCROMBIE, we talked to Mr. PETERSON to try to bring our caucus together. It was a diverse caucus. A lot of people felt President Bush was right, those 8 years that he submitted those bills and that you passed 6 years you were in charge.

To relieve the strain on their budgets and their families, not 10 years from now but now, today, I am sure you are wondering whether we will throw up our hands on the work of compromise and retreat into finger pointing. I think we can do better than that on both sides.

Both of us want to make sure that we bring prices down, and both sides of the aisle want to see energy independence. We can pass this bill, the Comprehensive American Energy Security and Consumer Protection Act. You say it's not perfect. Many Members on our side say it is not perfect, but it is a very significant step and a very significant expansion of where oil could be found.

I would reiterate, there are 68 million acres right now, right now, as I stand here, that could be drilled upon right now without any further legislation, regulation or administrative action.

This legislation, this bold step towards a comprehensive energy policy, is worthy of the 21st century. Lower gas prices today, American oil and natural gas for the years to come, that's what this bill promises and will provide, and serious investment in a new generation of energy technologies for a cleaner, more secure energy future. It's all here, and we are all going on record this evening.

Here is what the energy package is going to accomplish. First, we are going to drill for more oil and gas here at home. That's what Americans have said. Use our resources. Don't rely on the Middle East. Don't rely on Venezuela. Don't rely on Russia. Certainly, don't rely on Iran. Drill here.

We have both said all along, we put a bill on the floor, drill responsibly in presently leased land, that Mr. RAHALL led. Most of you, many of you voted against it. For many of my colleagues, I know that drilling is the most contentious part of this compromise, but we have worked hard to find common ground.

Drilling will come with strong, new environmental protections. Americans want that. They want resources, but they want them safely gotten. It will take place well offshore, as opposed to the 3-mile zone that will go up for grabs in 15 days if we vote this bill down and do nothing.

I don't know how many of you are for that. Maybe all of you are for it on that side. I don't think our citizens are for it. In the areas closer to shore, we are letting the States themselves make the final call. To my colleagues on the Republican side who argue that States won't opt in without revenue sharing, I reply this, if the ground swell for drilling is as strong as you have said it is, and I believe it is, surely our State leaders will listen.

Do not ascribe to us the only ones who will respond to the public's desire to find more resources. Certainly our State leaders will respond as well. They will feel comfort that their State has made that determination.

That's not to mention the job creation that will occur in States, what a motivation that is. We are also including diligent development provisions, which, by the way, you included in your 2005 bill. We thought it was a good provision. We called it ''use it or lose it.'' You voted against it because it wasn't your bill. You voted for it when it was development in your bill. When we put it on the floor, you voted against it.

Second, we are going to take immediate action to lower the price of oil by releasing 10 percent of the oil in the Strategic Petroleum Reserve. We proposed that; the President said ''no.'' We said don't buy any more. The President said ''no.'' Both of those policies are now being pursued by the administration.

Tax incentives for plug-in hybrid cars, solar and wind power, biofuels and energy efficient homes. Why? Because we can't drill ourselves out of this. We need to drill, we want to drill, we are providing for drilling, but that's not the solution.

It is part of the solution. We all understand, you say, all of the above. We say, yes, let's invest in alternative research, for cutting-edge energy research, support for mass transit and renewable energy.

□ 1845

We need all of those steps if we are going to be energy independent.

Some day soon I think we will look back on these investments as the beginning of the end of our oil addiction. We are going to fund them by recovering the royalties the oil companies owe the American people. Who here believes you need to incentivize a company to produce a product that is getting the highest price it has ever gotten in history. I don't find that premise in my free market concept. The free market operates that if people are buying your product and they are paying you a very good price, by golly, you try to provide more product for them.

Refineries were operating at less than 90 percent, or about 91 percent this summer, the lowest point they have been at refining capacity in a number of years, not because they didn't have supply. They have got supply. There are no shortages, there are no lines. They are just charging a high price.

We are going to fund that research, as I said, by asking the oil companies to pay their fair share. They are making good money and our citizens shouldn't have to pay more to run their government because some oil companies are not paying their fair share. It simply doesn't make economic sense to do billions of dollars of tax cuts to oil companies while our citizens are paying high taxes.

All of that is our energy solution. We have not left a stone unturned or a remedy untried. To my Democratic colleagues, I don't think a single one of us is happy with every single provision in this bill. I know I am not. There would have been some additional things I would have liked in this bill. But I also know that is the price of a good compromise, and making good compromises is our business. To my Republican colleagues, you have told us loud and long, and I want to congratulate Mr. PETERSON for the work he has done in bringing this issue to the fore and talking about it, not just this year because I have known him for a long time. We served on the Appropriations Committee, and he has been consistent and constant in his focus on this issue.

Your Presidential candidate is running for office under the motto ''Country First.'' We would all run on that platform.

I am for Mr. OBAMA, as all of you know. He wants to see change and a new direction. But certainly all of us agree that our country comes first, perhaps not before God, perhaps we would say our family is critical, but certainly country is our consideration.

Democrats and Republicans, we are all being watched today and they can see partisan differences, partisan divide, and sending a partisan bill to the Senate. We can perhaps do that, and maybe we will. Our public will not be pleased. This bill is not perfect. It is not everything you wanted; it is not everything I wanted. But it is a substantial expansion on drilling, a substantial investment on renewables, a substantial investment on conservation. We ought to pass this bill.

Mr. BOUSTANY. Will the gentleman yield?

Mr. HOYER. I would yield briefly to the gentleman.

Mr. BOUSTANY. I would like to ask if you considered repealing section 199, which is basically singling out the oil and gas industry for a tax which all of our manufacturers don't have to pay—

Mr. HOYER. Reclaiming my time, that provision, of course, was added under your leadership to manufacturing. It wasn't in manufacturing, as you probably know, when it was originally adopted because it was not perceived that the oil companies were in manufacturing as the bill contemplated to be.

Then you thought the oil companies weren't doing well enough, and so you wanted to add that provision and you added it under Republican leadership. Very frankly, we thought that was not a wise move at that time, and we don't think it is a wise move now. And very frankly, I don't think the American public thinks that the oil companies will go out of business if we don't give them this tax incentive.

Mr. BOUSTANY. If the majority leader would yield.

Mr. HOYER. I will yield one more time, and then I will conclude.

Mr. BOUSTANY. This provision hurts the larger companies which are necessary with the technology to drill in deep water. The smaller companies participate in that. So if we hurt our deep water abilities in the United States off our Outer Continental Shelf, we are making ourselves less competitive and we are hurting job prospects.

I have seen so many folks from Louisiana who are serving all over the world, working in the oil industry who have left the United States, left Louisiana because they have to work over there. We could keep these jobs here.

Mr. HOYER. Reclaiming my time, they go no place in the world, my friend, where they pay less than they do in the United States to those nationalized countries that allow them to drill. No place in the world do they pay less. If they went to Venezuela, they pay 93 percent. If they went to Norway, they pay 78 percent. Nowhere in the world, my friend, do they pay less than they pay here, and the difference is made up by your taxpayers and my taxpayers.

Ladies and gentlemen, this is a good bill. It is not a perfect bill. But it is a good-faith effort to move this issue forward, to make us independent, to bring prices down, to invest in the future which renewables are clearly the harbinger of, and to make sure that we take the action our public wants.

I thank Mr. RAHALL for his leadership, and I urge every Member of this body on both sides, vote for this piece of legislation. Move us toward energy independence, not just today but tomorrow and tomorrow.

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

Mr. Speaker, there has been a lot of discussion here and I think the main issue we are dealing with is how do we end our addiction to foreign oil. Can we drill our way out of this problem; can alternatives be used to replace crude oil. I think those are the two primary positions that are being bantered about on this floor.

As the American public is watching this debate, I am sure they must be quite baffled because both sides claim only they are correct. I think the answer, can we drill our way out of this problem, can alternatives be used to replace crude oil, the answer to both of those questions is probably ''kind of.''

Mr. Speaker, a couple of weeks ago I was at the Idaho National Laboratory. It is one of the premier nuclear and alternative energy research facilities in the U.S. Here is what the experts at the INL told me when I was there. They said wind energy is about a 2 percent energy solution. Solar is not much better, and it is a lot more expensive. They talked about hydrogen. Currently we generate hydrogen by burning natural gas. That actually loses energy. Today there is no good source for the carbon dioxide, carbon monoxide that they say is needed to develop other forms of alternative energy, unless we are going to burn coal, and coal is not included in this bill except that we are going to increase excise taxes on that coal.

How will we get enough hydrogen, carbon monoxide, and carbon dioxide to make alternatives a reality? Well, the folks at the INL said we will need to have next generation nuclear reactor facilities, not today's light water reactors that people are seeking to permit today. Next generation reactors operate at higher temperatures, and at those temperatures, chemistry and the reactions that take place, they take on new characteristics and that will allow the generation of hydrogen, carbon dioxide, and carbon monoxide in quantities that will make alternatives a reality.

Here is the problem. According to the Idaho National Laboratory, next generation nuclear facilities are two to three decades away from becoming a reality.

This bill does nothing to develop next generation nuclear reactors, and it doesn't really address the alternative energy in a meaningful way because of that. The bridge has to be made with crude oil and natural gas. The problem is this bill permanently locks up almost 90 percent of those offshore resources so it doesn't really address even our most limited need for crude oil.

Mr. Speaker, we need crude oil for more than just gas and oil. No plastics will ever be made from a windmill. No industrial chemicals will ever come from solar panels. No ink for printing. No asphalt that we need to make pavement to drive those electric cars and hybrid cars on. Well, Mr. Speaker, it just doesn't deal with those energies.

What does it deal with? Well, it increases taxes to the tune of about $18 billion. I wonder how many people in America believe that if we increase taxes on oil companies, that somehow that will cause them to reduce the price they charge for gas and oil. That is an absurd, absurd suggestion. In fact, what is going to happen is those taxes will go right down the pipeline, through the gas tank right into your gasoline tank where you will be paying higher prices for the gas and diesel that you need.

It was suggested earlier that we use so much energy in this country. You have all heard T. Boone Pickens on television say, gosh, we burn so much of this crude oil. I am not ashamed that we use a lot of energy in this country. It has made us the most prosperous Nation on the face of the planet, and it has allowed us to help essentially every other country on the face of the planet at one time or another. And America has proven time and time again that with our prosperity, we will also be generous to other countries at the time when they need it. Without that prosperity, we would not be able to have that generosity. Using energy makes us prosperous.

Just over a year ago, the Business Roundtable put out a report. Their conclusion was that to meet our energy needs for the future, we had better get our hands on every bit of energy we can from every source possible. That includes all of the alternatives. It includes nuclear. It includes crude oil and natural gas in increasing quantities. This bill does not get us there with any of those things.

I guess the question at this point is what kind of future do we want for our kids and our grandkids.

Mr. Speaker, ladies and gentlemen of this body, I am here to tell you that I want a future for my kids and grandkids where they will be prosperous. And for them to be prosperous, Mr. Speaker, we will need to get our hands on every bit of energy we can from every source possible, and this bill will not get that job done.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE); and while she is taking the mike, I remind her that our thoughts and prayers are certainly with all of her constituents and all those who have suffered from the recent Hurricane Ike.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman of the committee for his leadership and kind words to the people of the gulf coast. Let me thank all of my colleagues who have offered to us their concern and certainly their support. I just landed, and I came from the view of a devastated community, an area in Galveston represented by my colleagues that has experienced the greatest devastation that they have seen in decades. Three million people are without power, many of them desperate because of their financial conditions. As everyone knows, particularly my friends from Louisiana, sometimes getting power back together takes a long time.

That is why this bill was important enough for me to come back, because it is a balance. As I left Houston, there were people crying out for diesel fuel, hospitals needing 700 gallons of fuel, and price gouging that law enforcement officers had to stop. People lined up at gas stations wherever they could find fuel, and those who could not find it were begging for fuel. So we know we have to do something about this calamity of energy and need.

I come from what has been called the oil capital of the world. I practiced oil and gas law. And as someone said on the other side of the aisle, there is no fear over here. Democrats want to balance what is best for America, and we have done so.

So there is a little bit of sacrifice that we are doing, but it is important to note that this bill brings relief to those suffering in the gulf and who need to find gasoline because in addition to many other aspects, it opens up leasing of 319 million acres; 85 million acres come from a State option.

□ 1900

That's a balance. But at the same time, this bill includes $18 billion in tax cuts to spur green jobs. And energy is all kinds of energy sources. And so, in addition to the oil, we have the opportunity to do more with green jobs.

We also allow a taking-out from the Strategic Petroleum Reserve. If we could get this bill passed and signed, I could help the people in the Gulf region because it would come to hospitals, it would come to gasoline stations. It would come to people who are in need.

This is a bill that ends the current moratorium that allows drilling 3 miles off, but it allows drilling through a State option, 50 to 100 miles.

Let me just say this, Mr. Speaker. I have listened to a lot of Republicans. And interestingly enough, in the 2005 bill, they even said they are trying to move toward energy independence. This is what we do.

And I want to thank the chairman and Congressmen GREEN and MILLER for allowing me to put language in this bill, and I'm proud of this language.

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

Mr. RAHALL. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. Beyond the fact of the expansion of the leases offshore and opt-in, it allows minority women and small businesses to have the opportunity to do something they've never done, bid for these offshore leases, and it creates an energy consortium of our universities to work with wind and solar.

I would like revenue sharing. I'm from the region. But we can't have everything. I hope to work on it, that we have these incentives that everybody is asking for. But now we have a balance, and the people in the Gulf region are crying out for resources and energy. And this bill, if it's gone to the Senate and it gets to the desk of the President, will help us do so.

This is a good bill. This is a bill that should be signed. This is a bill we're proud of.

And I want to thank my staff, Arthur Sidney.

Mr. Speaker, I rise today in strong support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. This legislation is a timely, necessary, and a comprehensive approach to addressing our energy crisis.

I am especially proud to support this bill because my staff, and I worked tirelessly to ensure that appropriate language was included to benefit all Americans—especially, small, minority, and women-owned businesses, institutions of higher learning, particularly minority serving institutions. I also worked hard so that the American consumers would benefit from paying lower gas prices at the pump. I am proud that such a progressive and comprehensive piece of legislation is on the floor of the House today. I thank Speaker NANCY PELOSI, Democratic Majority Leader STENY HOYER, and Representatives RAHALL, MILLER, and GREEN for their leadership in bringing today's important energy legislation to the floor that will address, in part, our current national energy crisis. I would also like to thank Mr. Arthur D. Sidney, my Legislative Director, for his work on this bill.

I AM PLEASED TO HAVE MY LANGUAGE INCLUDED IN H.R. 6899

I am especially proud to stand in support of this progressive piece of legislation because I was able to get my language included in this bill. Specifically, I was able to get included language in this bill that covers four critical issues: (1) the expansion of leases to offshore lands along the Outer Continental Shelf; (2) that States might opt-in to allow leasing off its costs by enacting legislation signed by the Governor or referendum; (3) allows the Secretary of Interior to establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and may implement outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases; and (4) provides that the Secretary of Energy shall award a grant on a competitive basis to a consortium of institutions of higher learning for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy. This consortium shall include at least two institutions of higher learning that are historically Black colleges, Hispanic-serving institutions, and tribally-based universities and colleges.

As a senior Member of the House, representing the 18th Congressional District, which includes Houston, the energy capital of the world, I am pleased to support this bill. I am glad to have authored language and have it included in this bill. My language will go far in making sure that individuals, that heretofore have been underserved, are provided a seat at the proverbial energy table. I urge my colleagues to support this bill.

Mr. Speaker, this bill could not come at a better time for Americans. To put it mildly, Americans are in desperate need of relief. Just a few months ago in May 2008, gas prices were at an all-time high. The price of regular-grade unleaded gasoline has risen well above $4 in some States. Increasingly, as the economy spirals to a recession, Americans must choose between food, energy, and gas. This crisis is of national and international importance. It is expected that the damage from Hurricane Ike which hit Houston and other parts of Texas, last week, will also drive up domestic oil prices.

BACKGROUND ON OIL PRICES AND THE CASE FOR THE NECESSITY OF THIS LEGISLATION

The price of crude oil is the largest single factor in the retail price of gasoline. Oil prices have not been regulated since the Reagan Administration; however, the market situation since 2004 has yielded little excess capacity. The weakening value of the dollar, political uncertainty, and unrest in places such as Nigeria, Venezuela, India, and China, exacerbate the problem. Worse still, is the plight faced by the developing world. While the developed world is facing high oil prices, the developing world is facing even higher prices with the weakening value of the dollar. Food prices all over the world are rising, and instability is growing.

Mr. Speaker, oil prices reached a record $147 per barrel and the American people are suffering. Many are faced with the decision to pay for gas or to pay for more food to feed their hungry families. Consumers are in desperate need of relief in the prices of oil, gas, and food.

But even refiners cannot escape the impact of the rising price of crude oil. Refining companies that have no upstream component, all reported steep year-over-year profit losses for the first quarter of 2008.

The overall effects on the consumer have been deep and widespread. Concern over the rising price of retail gas has been mounting for 3 years, and even as fuel exacts a greater toll on consumers' budgets, its macroeconomic effects have reverberated through all sectors of the economy.

The rise in fuel prices is having a deleterious effect on other industries, including the automobile industry. Sales of mid-size cars and trucks have declined. Automakers reported an overall drop in sales of 6.3 percent in February of this year, led by light trucks—which were down 10.6 percent—and sport utility vehicles—down 7.7 percent. The average fuel economy of new vehicles has increased

by more than half a mile per gallon since 2004.

These rising gas prices are also spilling over into other sectors and they are having equally deleterious effects. In a recent survey of plumbing, heating, and cooling contractors, more than 90 percent of respondents expected their business to be harmed because of the high fuel costs. Without change, such as H.R. 6899, long-term, sustained gas price increases are going to severely affect persons living in the suburbs because of the high gas prices and the long commutes. H.R. 6899 will bring marked improvements in energy prices.

H.R. 6899—THE LEGISLATION ON THE FLOOR TODAY

H.R. 6899 will address the price at the pump by expanding drilling in an environmentally conscious manner. This bill is comprehensive, and its implementation will expand domestic and renewable sources of energy to bolster our national security. This is a real energy bill that will expand production and supply without sacrificing environmental concerns. The goal of this bill is to make the production and exploration of energy sources more affordable, more accessible, and more environmentally friendly.

H.R. 6899 will end subsidies to the oil companies, promote good jobs here in America, and require Big Oil companies to pay what they owe America's taxpayers. It puts America on the path toward energy independence and a clean green energy future through greater energy efficiency and conservation, and protects consumers with strong action to lower the price you pay at the pump.

This comprehensive and sweeping measure takes strong action to lower the price at the pump. It does so by releasing a small portion of oil from the Government's strategic reserve, and invests royalties from oil companies owed the American taxpayer in alternative energy technology.

H.R. 6899 commits America to a renewable energy future and jobs by extending and expanding tax incentives for renewable electricity, solar and wind energy, and fuel from America's heartland, as well as for plug-in hybrid cars, while requiring 15 percent of American electricity to come from renewable energy. This is a real energy bill.

This bill includes a compromise to responsibly open up the Outer Continental Shelf for drilling, with environmental protections, while demanding that Big Oil companies use the leases they have already been issued. It promotes efficiency and conservation that will save consumers billions, with tax incentives and loans for energy efficient homes, buildings, and appliances, and updated efficiency standards for buildings.

I am pleased that this bill is one of the few recent energy bills that have already garnered strong bipartisan support on the House floor. Now, more than ever, in a time where the American people are experiencing serious economic woes, with a rampant mortgage crisis, the failings of major financial institutions, low wages and high prices, America needs legislation to make oil more accessible and more affordable. Because oil is a finite commodity, it is imperative that all Americans have access. This bill does just that: provides access in a responsible and sensible manner.

Importantly, this bill lowers costs to consumers and protects taxpayers. This is critically important given our growing dependence upon sources of foreign oil and the ever increasing world price of oil. To that end, this bill temporarily releases nearly 10 percent of the oil from the Government's stockpile, known as the Strategic Petroleum Reserve, and replaces it later with heavier, cheaper crude oil. This is a real energy bill that provides real solutions to America's energy crisis.

The bill provides royalty reform by making oil companies pay their fair share. Further, H.R. 6899 ensures that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999. Because of mistakes made by the Interior Department, oil companies holding 70 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became exempt from paying any royalties, costing American taxpayers about $15 billion. This bill makes it more efficient for the Interior Department to collect royalty payments from oil and gas companies owed to the American taxpayer. Additionally, this bill adds a new requirement that it must be in the fiduciary interest of the Federal Government for oil companies to be permitted to make royalty in kind, instead of cash, payments to the government.

H.R. 6899 restores accountability and integrity in oil leasing at the Mineral Management Service. As you are aware, several recent events have called the integrity of this fine institution in question. This bill attempts to right some of those wrongs and address the misconduct that has occurred.

This bill provides for a renewable energy future and creates American jobs. The bill includes $18 billion in tax cuts to spur green jobs and American energy independence, including an 8-year extension of the investment tax credit for solar energy and fuel cells.

Mr. Speaker, H.R. 6899 includes a 3-year extension on the production tax credit for energy derived from biomass, geothermal hydropower, landfill gas, and solid waste. H.R. 6899 provides for a 1-year extension of the production tax credit for energy derived from wind and clean renewable energy bonds for electric cooperatives and public power. It also provides for incentives for the production of homegrown renewable fuels and tax credits for the purchase of fuel-efficient, plug in hybrid vehicles and it provides incentives for energy conservation for individual businesses and State and local governments.

The bill expands domestic energy supply by ending the current moratorium which only allows drilling 3 miles offshore. The bill also increases domestic oil production across America and in Alaska.

Regarding Alaska, this bill incorporates a modified version of the "Use It" legislation that creates more stringent requirements that oil companies produce oil during the initial term of their lease. H.R. 6899 mandates annual lease sales in the National Petroleum Reserve in Alaska to speed its development and oil and production. Importantly, the bill bans export of Alaskan oil outside of the United States. It also calls upon the Bush Administration to facilitate completion of the oil pipeline infrastructure into the National Petroleum Reserve in Alaska, and to facilitate the construction of the Alaskan Natural Gas Pipeline, which could create up to 100,000 jobs.

H.R. 6899 provides the greatest energy efficiency and conservation of any other bill introduced before the Congress. This bill strengthens energy efficiency codes for buildings, provides incentives for energy efficient homes, and reduces transit fees for commuter rail and buses and expands service through $1.7 billion grants to transit agencies for the next 2 years. This is a real energy bill, and I urge its adoption.

MY FOUR AMENDMENTS TO H.R. 6899

Mr. Speaker, I already briefly mentioned the language that my staff and I were able to get included in the bill. I would now like to take the opportunity to talk a little more at length about this language and explain why it is imperative that any comprehensive energy bill include this language. My language covers four areas.

Critically, my language provides for the expansion of leases to offshore lands along the Outer Continental Shelf. This is important because it expands production and supply possibilities. This should alleviate the deficit of energy and should hopefully lead to lower energy prices.

Second, my language addresses another critical issue: the ability for states to opt-in. Specifically, my language provides that states might opt-in to allow leasing off of its coasts by enacting legislation signed by the Governor or referendum. This is important because it gives States more latitude in the use and dispensation of energy along its coasts.

Third, my language allows the Secretary of Interior to establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and implement outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases. My city of Houston is the oil capital of the world, and as such, it has small, women-owned, and minority-owned exploration and development companies that would greatly benefit by outreach and leases that the Department of Interior could provide to them. I purposefully structured the language so that the Department of Interior would not be fettered and would have wide latitude in ensuring that money and leasing opportunities would be extended to underserved communities.

Fourth, my language provides that the Secretary of Energy shall award a grant on a competitive basis to a consortium of institutions of higher learning for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy.

This consortium shall include at least two institutions of higher learning that are historically black colleges, hispanic-serving institutions, and tribally-based universities and colleges. This last piece is important because it ensures that minority-serving institutions benefit from the largess and capital that is set aside for energy and renewable research. It further ensures that these universities will develop top notch disciplines, programming, and educational infrastructure that will be used for energy development, renewables, and energy conservation. Energy development, renewables, clean energy, and energy conservation is the future, and it is here to stay. Minorities and other historically underserved populations

must be encouraged to enter and thrive in these growing disciplines.

I urge my colleagues to support this bill.

Mr. PEARCE. Mr. Speaker, may I inquire of the time remaining for each side?

The SPEAKER pro tempore. The gentleman has 48½ minutes remaining. And the gentleman from West Virginia has 44 minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. It's been a fascinating day, hasn't it?

You have the votes to pass this bill, so congratulations. You'll pass it. But the bill is a ghost. It's going over to the Senate. It's dead on arrival. It will not do one thing for producing energy and American jobs for the American people.

Now, there is almost no mention in this huge bill that we got at 9:45 last night, almost no mention about new refineries. I think refineries were mentioned one time.

Natural gas, I heard my friend from Oklahoma say natural gas is included in this bill. It's mentioned less than a half a dozen times. There is no title for natural gas in this bill.

Nuclear energy, it's not here. I can't find it.

Now, the polls currently show that faith in Congress, our congressional credibility is at an all-time low.

You won an election 2 years ago on the basis of the fact that you're going to get us out of Iraq. You didn't do it. You're going to bring down gas prices. That didn't work. Most ethical Congress ever. I'm afraid not.

And now the last thing was we are not going to drop large bills in the middle of the night into this House. We're going to do it the right way. Well, I'm afraid that's been lost as well.

Now, why does it matter?

Well, we have a subcommittee. We've had multiple hearings on energy over the past 18, 20 months. Mr. BOUCHER is to be commended for the amount of hearings that he's had on this. But we didn't get to mark this bill up in subcommittee. Not one amendment came from a Republican at any time on this bill. We didn't see this bill in full committee.

Now, there are things that we should do urgently; like we should protect our electrical grid in this country, which we're not doing in this bill. There's the urgency. Bring that bill to the House floor without going through subcommittee and full committee. That, the American people would understand.

Well, notwithstanding what the majority leader has just told us, Paris Hilton will tell you, this is not rocket surgery. We do need all the above. Unfortunately, this bill does not provide that. I urge voting against this legislation.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to a valued member of our Committee on Natural Resources, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, nothing is more apt for Americans than the clean energy revolution that we will start with today's bill. Nothing is more apt for Americans because this bill depends on two very intrinsic American qualities. Those are the qualities of optimism and innovation. And we believe that this bill sets us on a course for innovation that will achieve for clean energy what we achieved in the space race of the 1960s.

And I'd like to share why I'm optimistic about this. This is a picture I took a couple of weeks ago in Golden, Colorado, at the National Renewable Energy Laboratory, the center of our national effort on renewable energy. It's a picture of a photovoltaic cell. On the other side of this array is a 400-square-foot photovoltaic cell converting sunlight into electricity. That sunlight feeds down into these two cars that are plugged-in electric hybrid cars. This is a term Americans are going to get to know real well. They plug in. They use this solar-based power, and they will go 40 miles with zero gasoline. And then after you go more than 40 miles, they have a gasoline engine to go another 200 or 250 miles.

Here's the stunning fact which they told me at the renewable lab. This panel, which can go on your roof, powers two cars in 8 hours to get that all-electric drive for a full 40 miles.

We are in the midst of a transition. We are on the cusp of a great transition. It reminds me of another transition when we went from typewriters to software, and there were a bunch of optimists out in Redmond, Washington at Microsoft, in my district, that were optimistic about this new transition we were going to get into.

Now, I will tell you this: I've heard some of my Republican friends saying ''drill, baby, drill.'' I think during that transition from typewriters to software, what they would have been saying is ''type, baby, type.''

We know that we have to break our addiction to oil, not to continue it, and this bill is a comprehensive measure.

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

Mr. RAHALL. I yield the gentleman 30 more seconds.

Mr. INSLEE. Let's be clear. The Republicans who will vote against this bill today are voting against solar energy for Americans. They are voting against plug-in hybrid technology for Americans. They are voting against enhanced geothermal for Americans. They are voting against more wind energy for Americans. And this idea of drilling as a bridge to these technologies, it's a bridge to nowhere. It won't show up for 15 years.

We need this technology starting today. That's a future America deserves.

Mr. PEARCE. Mr. Speaker, I yield myself 15 seconds.

I would draw the attention of our viewers across America to look at the picture that the gentleman just presented to us. Make no mistake about it. The majority in this House wants to change your way of life to where you cannot drive the cars you drive today.

I yield 2 minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. For 21 months the Democrat-controlled Congress watched as gas prices increased over 76 percent on the American people. For 21 months they sat in idleness as the American people became 70 percent dependent on foreign oil. They knew the American people paid an effective tax of $700 billion to foreign countries.

For 21 months the Democrats presided while watching one-sixth of our economy, money and jobs going overseas. For 21 months the solution was obvious to anyone who was looking to win the energy battle for the American people, and it was this: Legalize American energy production, all of it, legalize it and have Congress get out of the way. Whether it's clean coal, natural gas, oil production, nuclear, alternative, conservation, the Democrats could have done every bit of this 21 months ago and been the heroes of the American people. They could have because they have been in charge. But they willingly, intentionally, with eyes wide open, chose not to.

The Democrats defied the will of the American people, and now as the clock strikes midnight on the 110th Congress, with this sad chameleon they call an energy bill, the Democrats continue to defy the American people. But the truth is clear, this bill won't reduce the price of gasoline at the pump. The American people will suffer, as they have suffered under Democrat inaction.

But let's throw the American people a lifeline. We can, because in November Americans can have their say, finally, and under Republicans and JOHN MCCAIN, they will be able to choose $2 a gallon or less for gasoline, or they can choose Senator OBAMA and the no-drill Democrats, and they can see gas climb to the heights of 5 or $6 gallon or more.

The choice couldn't be more clear.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair, and not the television audience.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, for 30 years, since the first oil shock of 1973, we've been facing an energy crisis in the United States. And let's be honest and level with the American people, both parties have missed opportunities to deal with it. And the American people hold all of us accountable.

So I'm proud that this Congress, in its first time in less than a year, increased the fuel efficiency standards for cars, something that's been kicked around, talked about for 30 years. This Congress in its short, first year took action.

And I'm proud that our Republican colleagues who claim to be for the all-of-the-above energy policy can vote for the most comprehensive energy policy and legislation in 20 years, what we have here today.

Now, listen. You can be for drilling offshore. And this bill provides 300 additional acres of drilling. But that is not a cure to our energy independence. It is not just drilling offshore, but it's also what we do onshore in our laboratories, our universities with our innovation and our technology for our energy independence.

This bill provides that we invest in our renewable energy technologies and ends big subsidies for big oil companies. We require utility companies to use wind, solar and biomass to generate more electricity.

What I'm most proud about is also what it does in the area of natural gas, which those who are in the industry see as revolutionary for their industry. Natural gas is 100 percent U.S. supply, 33 percent cleaner and 40 percent cheaper. And it provides the infrastructure to make sure that our auto industry can start to convert and start to use natural gas, something Europe has been doing and the United States has been lagging. And here's an energy source that today is available. Just in the State of Utah, drivers can pay $0.83 per gallon if they fill up with natural gas.

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

Mr. RAHALL. I yield the gentleman 10 seconds.

Mr. EMANUEL. So the question is before us, are we going to have an energy policy that keeps us wedded to the past or begins to invest in our future? And this is the opportunity to do that.

Mr. PEARCE. Mr. Speaker, I yield myself 10 seconds.

I would point out that there is more stimulation in this bill for bicycles than nuclear power.

I yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, when I was a young legislator in Utah, I was told that oftentimes the process we use in creating legislation is more important than the actual words of that legislation. Thus, here in Congress we have established a concept of regular order so that fair and competent legislation is brought forth that eliminates unintended consequences of poorly written provisions. So we in Congress review.

And yet, by mutual understanding, the bill we have before us has had no public hearing, no committee work, no review, no amendments by Republicans or Democrats, rank and file, no reading of this bill since it was printed after everyone had left last night. It's not a comprehensive solution. It has the appearance of competence but is not a real solution to meet the needs of real Americans. It does not work.

Let me give you one small example. The section on oil shale I originally thought was one of the bright lights in an otherwise dismal bill. And I'm sorry that my colleague—no, my colleague from Utah is still here. I congratulate him on his work.

It removes the prohibition of oil shale development that this body callously placed in last year's appropriations act, despite a chorus of bipartisan opposition to do such. But rather than simply remove the prohibition and move forward, it replaces it with a mandate of States' actions to pass a law to allow it to take place, something I personally like, something I think the industry would support, but which also has potential of constitutional implications.

There are other areas of this bill which have even more constitutional implications. And since this act has no severability clause, it simply means if one part of this bill goes down on constitutional issues, the entire bill goes down.

□ 1915

Rather than just take out the prohibition, it's almost as if we put in the margin a big sign that says, ''Look here to sue,'' so that outside agencies can do in court what some people have said they would like to do on the floor, which is not have a real solution.

I am saddened because we could have done so much more. We could have done so much better, and instead, we will vote on a hollow shell of a bill.

Mr. RAHALL. Mr. Speaker, it is my honor to yield to the lady that leads this body. I certainly commend her for the tremendous efforts that she's made meeting after meeting after meeting to bring us together as a caucus, often at much political sacrifice, including to her own desires.

I yield 1 minute to the Speaker.

Ms. PELOSI. I thank the gentleman for yielding and his recognition of the fact that this legislation is indeed a compromise. It isn't the bill that any one of us would have written individually, but it brings us together in consensus. I want to thank the distinguished chairman of the National Resources Committee, Mr. RAHALL, for his extraordinary leadership on this bill.

This is a difficult bill because we all had to come from different directions on it, and we've come to agreement.

I want to also acknowledge the important work that was done by GENE GREEN, Congressman GENE GREEN of Texas; by GEORGE MILLER, the Chair of the Education and Labor Committee; and JOHN DINGELL, the Chair of the Energy and Commerce Committee, all of whom who are cochairs of this important legislation.

I would like to acknowledge CHARLIE RANGEL, the Chair of the Ways and Means Committee for the provisions from his bill in this bill, and NEIL ABERCROMBIE who really tried to bring as many of the provisions of the legislation he was cosponsoring into this legislation so that it really did reflect the thinking of our colleagues on both sides of the aisle, if not to get the support from both.

I also want to acknowledge Congresswoman SLAUGHTER for her input. And Mr. ABERCROMBIE has joined us. Thank you, Mr. ABERCROMBIE. I'm pleased to acknowledge your great leadership on this, this step in the right direction with certainly more to come.

I want to remind our colleagues or inform, for those who may not have been born yet, that in 1973 during that energy crisis, President Nixon became the first President to call for American energy independence. In his 1974 State of the Union address, President Nixon said that the United States should ''not be dependent on any other country for the energy we need to provide our jobs, to heat our homes, and to keep our transportation moving.'' He promised energy independence within 6 years. That would be by 1980. In 1974, he had that vision.

President Nixon was the first to make such a call, but certainly not the last. Practically every national leader in the intervening 33 years has called for energy independence.

Today, this House of Representatives has the opportunity to take this country in a new direction on energy and make that energy independence happen. We have this opportunity with the comprehensive, I call it All American Energy Security and Consumer Protection Act.

The legislation we debate today is a bold step forward that will help us end our dependence on foreign oil and strengthen our national security. And protecting the American people is our first responsibility, and so I list that first among the goals and the provisions of this legislation.

The legislation is a result of reasonable compromise that will put us on a path toward energy independence by expanding domestic supply of oil drilled offshore, and expanding domestic supply of energy by investing in renewable energy resources. It will protect consumers with strong action to lower the cost of energy and to protect taxpayers by making Big Oil pay for its fair share of our transition to a clean, renewable energy future.

It will ensure a clean, green energy future through energy efficiency and conservation. It will commit America to renewable energy and help create millions of good paying green jobs. It will do so by rearranging the financial relationship between the American people, their oil, and Big Oil.

Right now I think that the arrangement is a real rip-off of the American taxpayer and the American consumer. And so we say in this legislation to Big Oil, if you want to drill—and to others, but particularly to Big Oil—if you want to drill in the Outer Continental Shelf, let's talk about that.

We're in the position that we are today because for 8 years, President Bush has requested a moratorium on drilling in the Outer Continental Shelf.

In recent months, he reversed his policy. And this is a reversal not only of his policy but of decades of policy that had prohibited drilling on the Outer Continental Shelf.

So as a result of his lifting the moratorium on drilling, starting after September 30 at the end of this fiscal year, it will be possible for the U.S. Government to provide leases to companies to drill 3 miles—3 miles—off the coast of our coastal States with no consent from the States. It will be 3 miles, leases given by the Federal Government.

And that's why in order to remedy that, this legislation strikes a compromise and a balance by saying, yes, if you're going to drill offshore, it has to be 50 miles offshore and it has to have an opt-in by the State. The State has to agree that you can drill. The Federal Government can give leases to the private sector to drill 50 miles offshore.

And it also says the following in terms of the financial arrangement. Right now, the status quo, which is what some of our Republican friends want to perpetuate, the status quo is the following: the oil belongs to the American people, and yet Big Oil drills for that oil subsidized by the U.S. taxpayer. At a time when Big Oil's enjoying record and historic profits, they still insist that the U.S. taxpayer subsidize their drilling and have had royalty holidays of paying the taxpayer for the taxpayers' oil which they have been drilling.

So what we're saying in this legislation is that day is over. Now if you want to drill, you're on your own. In the private sector, in the free market, you're on your own. The American people are not subsidizing that drilling. And, by the way, we want our share of the royalties. And lifting the subsidies and getting our royalties, including going back to the royalty holidays of the 1990s, by doing that we will be able to invest in America's energy future by using those funds to invest in renewable energy resources, whether it's wind or solar, biofuels, other clean alternatives.

We'll be able to use that money from that offshore drilling, by now finally getting the taxpayers' fair share, to invest and provide more support for LIHEAP, the low income heating initiative, so important to so many, many families in America and even more so in this time of economic uncertainty. And to invest in our lands and conservation fund, some of the provisions which were in the original bill that Mr. ABERCROMBIE was supporting. So we took up some of the investments that he would make from the royalties that we would recoup and also from not providing subsidies to Big Oil.

Many of us have thought for a long time that there was something wrong with this relationship. Our oil, their profits, we subsidize, we don't get the full benefit of that. But it was only recently that we saw how wrong something was with that relationship. It tells us again and again why it is time for a new direction. And nothing demonstrates that more clearly, I think, than the recent scandal in the Bush Interior Department.

On the Republicans' watch, Interior Department officials accepted football tickets, ski trips, golf outings, and other favors in return for rigging contracts to benefit Big Oil. They engaged in illicit behavior that gives new meaning to the words ''cozy relationship'' between the Republicans and Big Oil.

These Republican officials, one of whom pled guilty just yesterday to corruption charges, were in charge of collecting billions of dollars' worth of oil and natural gas last year alone from companies allowed to drill on Federal lands and offshore. It just isn't right.

So when I said earlier that this was a rip, it's a rip and it's corrupt, and it must be changed. I think all Americans believe that it's time for an oil change in America.

The Democrats stand for that change. Democrats demand it. Republicans are demanding the status quo, but not all Republicans. Many have been involved, though they may not specifically approve of this particular bill, many of the provisions in this legislation were provisions advocated by Republicans in their bipartisan legislation with Mr. ABERCROMBIE.

The status quo, as has been suggested by some, will not bring down the price at the pump. The status quo will not protect taxpayers from subsidizing Big Oil, and the status quo will certainly not make America energy independent. It's time for a new direction. It's time for us to set aside partisan politics on this issue. This should not be an issue on which we are divided.

The protection of our country by assuring energy independence, the creation of new jobs through a new energy green industry in our country with renewable energy resources, the assurance that we will never be in this position again because not only are we expanding the domestic supply of oil, but we are also investing in renewable and other alternatives; and also that, again, security, environmental protection, economic entrepreneurialship in this legislation and a moral responsibility to reduce our dependence on foreign oil and on fossil fuel, to do so in a way that reverses global warming, which in my view is a moral responsibility if you believe, and I think everyone does, that this beautiful planet is God's creation and we have a moral responsibility to preserve it and preserve it in a way that is fair to all of the people who inhabit this planet. And in our case, we're talking about the American people.

So, again, this comprehensive energy package is a result of compromise in favor of sweeping and innovative solutions to America's energy future. I urge my colleagues on both sides of the aisle to join together to support a clean, renewable energy future by supporting this comprehensive legislation.

Once again, I salute all of those who participated in bringing us to this compromise: some intentionally, some by the basic work that they've been doing in the Congress for a long time and may not, again, support this legislation today but have put their stamp of approval on many of the provisions that they had suggested in other legislation and which we have been pleased to pick up where we had bipartisan agreement.

So I'm very excited about this. This is a very important day in our energy story for America. And I commend all who worked so hard, and so many people did. But we recognize it's only a first step. There are many more issues to be dealt with, more progress to be made, but we cannot wait for that to happen.

In the meantime, I'm pleased that in this legislation we have our legislation related to the Strategic Petroleum Reserve which, if the oil is released, which we have asked the President to do, will immediately bring down the price at the pump within 10 days instead of 10 years—which would be the length of time it would take to bring the price down for 2 cents. Two cents, 10 years; 10 days, our bill.

The President originally resisted. Now he says he may release from the SPR not because Congress asked but because Big Oil asked.

It's about time we got the leverage back to the American people, recognized our need to meet their needs, to protect the consumer and the taxpayer, to keep them safe with energy independence, to grow our economy through good green jobs, and to make sure that we never find ourselves in this situation by making investments in renewable energy resources.

□ 1930

Mr. PEARCE. Mr. Speaker, I recognize myself for 15 seconds before I recognize Mrs. CAPITO of West Virginia for 2 minutes.

Mr. Speaker, we've just heard that we're going to sell oil out of our Strategic Petroleum Reserve in order to cure a marketing problem. That oil was put there for our national defense and now we're using it in pure marketing.

I yield 2 minutes to Mrs. CAPITO.

Mrs. CAPITO. I thank the gentleman for recognizing me.

The Speaker, we just listened to her, and her leadership team had an opportunity to present this House with a truly bipartisan energy bill. Both she and the majority leader have talked about the compromises that they reached and how they worked on a compromise. I don't know who they're compromising with. They're compromising with themselves, negotiating with themselves.

Instead, they chose to bring forth what I think is a blatantly partisan bill. It will increase energy costs in my State, and again, essentially ignores West Virginia, its people, its abundant supply of coal.

I go back to the fact that I've listened to both the majority leader and the Speaker in their remarks, and not one mention of clean coal in both of their remarks.

So let me be clear, in a time when West Virginians are making hard decisions based on their gas, electric and home heating needs, this bill offers them nothing more but Washington. All talk and no action.

We know it's going to take a comprehensive plan to wean our Nation off of $700 billion worth of dependence on foreign sources of oil, but this bill just doesn't do the job.

It includes a renewable portfolio standard that will send electric costs skyrocketing in a State like West Virginia by mandating difficult standards, all of this at a time when many of my constituents can barely afford gas or their heating bill.

This bill doesn't invest in royalties for offshore exploration into alternative energy sources like clean coal or renewable fuels. Coal-to-liquid has great promise to lead this Nation towards our energy independence.

The American people gave the leadership of Congress a homework assignment to solve our energy crisis, and they responded by waiting till the last minute, hastily writing their bill, and delivering it late. Sadly, it fully deserves the ''F'' that the American people will be giving it.

At a time when a solution demands real bipartisanship, this bill just doesn't cut the muster. I'm on the bipartisan bill. We worked night after night with no lobbyists, no leadership, no special interests, and we found good compromise in that bipartisan bill, and I'm proud of the efforts on both sides of the aisle where we joined together.

With this empty shell of an energy bill, I'm afraid I'm disappointed and I'm afraid the American people will be, too.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, reading the legislation will show that the strategic energy efficiency renewable reserve fund that we've set up—we explained the funding mechanism and how much earlier—would go toward accelerating the use of clean domestic renewable energy resources and alternative fuels. And an understanding of what alternative fuels is would lead one to know that that includes coal-to-liquid and clean coal technologies.

In addition, we have a separate section that increases research, development, and demonstration of carbon capture and sequestration techniques, also clearly spelled out in the legislation.

Furthermore, when we're talking about carbon capture and sequestration in this legislation, we do have language that specifically sets aside how the process is, that these grants will be made from this fund to go toward carbon capture and sequestration.

We provide $1.1 billion of tax credits for the creation of advanced coal electricity projects and certain coal classification projects and we explain how that will be awarded.

In addition, we ensure the solvency of the black lung disability trust fund, not a laughing matter to West Virginians.

I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman.

Mr. Speaker, my constituents are frustrated and angry by rising energy costs and the impact on their businesses, their grocery bills, and their everyday lives. Today, we respond to that frustration and anger by considering the Comprehensive American Energy Security and Consumer Protection Act. I rise in strong support of this legislation that increases our domestic energy supply, invests in alternative fuels, and ends taxpayer subsidies for big oil companies.

This important legislation includes several provisions to move us towards a 21st century energy policy. My friends on the other side of the aisle have called for increased drilling to capture more of our domestic resources. The bill does just that.

Advocates for the environment have called on oil and gas companies to produce oil on Federal land to which they already hold leases or give up those leases. This bill requires them to do just that.

After learning last week of the corrupt relationship between Big Oil and the Bush administration's Minerals Management Service, this bill strengthens oversight of the Interior Department.

Most importantly, this bill launches a clean renewable energy future that creates new American jobs, specifically in my home State of Illinois.

If this comprehensive bill isn't an all-of-the-above response to energy prices, then, quite frankly, I don't know what is.

Mr. Speaker, I am proud of every energy vote I have taken in the 110th Congress, from addressing oil speculation abuses, cracking down on price gouging by Big Oil, improving public transportation options, releasing millions of barrels of oil from the Strategic Petroleum Reserve, to increasing fuel economy standards in our vehicles and providing relief for consumers at the pump.

The Comprehensive American Energy Security and Consumer Protection Act pulls many of these measures together, moving us closer to ending this energy crisis and establishing real energy independence.

I urge all of my colleagues to support this incredibly wonderful piece of legislation.

Mr. PEARCE. Mr. Speaker, I recognize myself for 15 seconds prior to recognizing Mr. FORTENBERRY of Nebraska.

Two years ago when the new Speaker took over, we were promised a plan. Tonight, we're told that we're going in a new direction. The new direction: Sell off our Strategic Petroleum Reserve; provide more stimulus for bicycles than nuclear power; and the solar car that the gentleman from Washington showed us the picture of. That's the plan the American people are given while they're hurting at the pump.

I would recognize Mr. FORTENBERRY for 2 minutes.

Mr. FORTENBERRY. I thank the gentleman.

Mr. Speaker, America needs, and is demanding from this Congress, a bold, new energy vision.

We, as a Congress, have been presented with the opportunity of a generation: to step into the breach and deliver to the American people a victory over the vexing problem of dependence on foreign oil. Left unaddressed for far too long, it has compromised our national security, our economic security, and our environmental security. And now is not the time to retreat into the familiar trenches of partisan politics.

Now is the time to establish a broad, comprehensive, new energy direction, and yes, I believe we should adopt long-term investments in a sustainable future. I support them: research and incentives for wind, solar, biofuels and geothermal. But we must also address, Mr. Speaker, the immediate problem of our overwhelming dependence on foreign oil.

Let's have an honest debate about the full range of energy options in our portfolio. Increased use of domestic resources in an environmentally responsible way will promote our energy independence while bridging to a sustainable and independent energy future, fully integrating conservation, innovative technologies and a variety of renewable resources.

Mr. Speaker, today, I believe, could have been a day of celebration instead of the rancorous political pushing and shoving. I am sure that many Members on both sides are eager for a bill, reached in true bipartisan fashion, yes, with the appropriate trade-offs and compromises but one that lays a new energy vision.

What a message we could have sent to our own people, the financial markets, to innovators and entrepreneurs, to the world oil markets, that America has chosen a new way and we will no longer be captive and vulnerable. Instead, we have a bill that is the product of dysfunction in this House, Mr. Speaker. I just believe we can do better.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, the bill before us this evening is a strong response to one of the most challenging issues that faces our country: securing American energy independence. Meeting this challenge requires the comprehensive approach on the floor tonight: drilling, conservation, and renewable power.

I am particularly pleased that this bill contains an 8-year extension of the

solar investment tax credit, or the ITC. Solar power represents one of our Nation's best hopes for a clean, secure, and sustainable future. It will provide powerful economic benefits in my district in southern Arizona but to the rest of the country as well.

According to a new study by Navigant Consulting, an 8-year extension of the solar ITC could lead to more than 440,000 permanent jobs and attract $232 billion in investment through 2016.

I thank the leadership. I thank the chairman. I thank those who have worked so hard at listening to the people of southern Arizona and across this country about this newer, brighter future.

I urge my colleagues on both sides of the aisle to support this balanced bill and call on our colleagues in the Senate to pass this legislation as well.

Mr. PEARCE. Mr. Speaker, I would yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, since the Democrats took control of Congress the price of gas has increased 75 percent. Mr. Speaker, their first response was to declare a 6-week vacation while the American people suffered. Republicans spoke out. The American people heard. They demanded action.

So now what do we have, Mr. Speaker? In the dark of night, we have produced a 240-page nonenergy energy bill, with no amendments, no substitutes, no committee hearings, supposedly from a Speaker who promised us the most open, democratic, and fair process known to mankind. These are strong-arm tactics that are more befitting of Hugo Chavez's Venezuela than they are the United States of America.

Mr. Speaker, this bill does not produce American energy. It is a sham. It is a fraud. There are no new refineries, no clean coal, no ANWR, no nuclear, and regardless of what they say, Mr. Speaker, no production of our deep sea resources.

And, in fact, this bill makes matters worse. It would permanently ban the development of our oil and gas resources on almost 88 percent of our offshore resources.

You know, it's ironic, Mr. Speaker, if the Democrats would do nothing—and certainly, they've had lots of practice doing nothing—this moratorium on development would go away in just 2 weeks. Decades and decades of American energy, oil and gas in the ground, ready to be developed, but the Democrats won't let us do it.

In fact, this has called the publication Roll Call to ask, ''Is this just an elaborate exercise to give their Democrat Members a heaping dose of political cover?'' The answer, Mr. Speaker, is ''yes.''

We need all of the above. We need conservation. We need renewables. We need alternative energy. But we need more American energy, too. Democrats view our oil and gas resources as toxic waste sites. Republicans view them as valuable natural resources that can be used to ease pain at the pump.

Vote against that bill. Vote for American energy.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. MATHESON) who's been very instrumental in helping us develop this piece of legislation, especially in regards to the oil shale.

Mr. MATHESON. Mr. Speaker, I thank the chairman, both for yielding the time, but more importantly I thank the chairman for his leadership on putting together a bill that really, I think, speaks to a number of issues that we all care about.

It's no surprise we're less than 50 days before an election that the rhetoric out here on the House floor may get a little hotter than usual, and on an issue as important as this, I think that's unfortunate.

I think if we can, for just a few moments, maybe set that aside and really take a look at what this bill is and talk about what's in the bill, I think that would be productive, because, you know, this bill actually takes ideas and clauses and sections from a lot of different bills that have been introduced by a lot of Members of Congress. There have been all kinds of energy bills introduced by Republicans, by Democrats. This particular bill we're talking about tonight incorporates a lot of those ideas, and that's a good thing, and it reflects a cross-section of the House of Representatives in terms of point of view.

If we take a look at this bill, you will see that there are Democrats and Republicans who could actually come together and agree on a lot of these things. I suspect with the election coming up we may have more of a partisan nature on this vote than we would like. At the end of the day, I think we all spent a lot of time in August meeting with our constituents. We all have had the experience of going to the pump and paying a lot more than we are used to and a lot more than we like, and we've all felt the pain of that process. We've talked to a lot of our constituents who have also felt the unease of that circumstance, and they are anxious about looking for opportunities to move beyond that.

That's what we're looking to do. I don't think my constituents think the government can wave a magic wand and solve all this. When I talk to my constituents, they know that this is a complicated issue, that it is going to take a comprehensive approach, and a lot of the solutions are going to come not necessarily from government but from the private sector, the innovators in our country. That's why this country has always done so well in global competitions through innovation.

I've met with various businesses in my own congressional district just in the last few weeks who are making remarkable progress on technological advances, and it's exciting. It's invigorating. We should be optimistic about the future when you see what's going on out there in the private sector right now to help new technology move forward. We shouldn't be on the blame game of who's responsible for this.

□ 1945

Our caucus leader, Mr. EMANUEL, said that the oil crisis first started 35 years ago with the 1973 oil embargo. Different parties have been in power in the White House and in the Congress, and we can look back in hindsight and say there may have been a lot of decisions that should have been made but weren't, or other actions that should have happened but didn't.

The blame game is not particularly productive. What we ought to talk about doing is how do we move forward as a country? How do we set public privacy that allows the private sector to innovate? How do we make progress with new technology? How do we take ourselves to a new position where we are no longer dependent on foreign energy? That's the type of discussions I think most people around the country want us to have. That's the type of discussion we ought to be having here on the floor tonight. And I'm not hearing enough of that, quite frankly, from both sides of the aisle.

This bill does increase production. It opens up substantial amounts of the offshore resource for exploration. The bill also includes oil shale production. A lot of people on the other side of the aisle said it does not, but it does. It eliminates the moratorium. It gives the States the ability to opt in to do that. It is a huge potential resource.

It includes the important tax credit extensions that so many people in this body on both sides of the aisle support. Oh, I know there are things in this bill that probably every Member of Congress could come up with something they don't like. I'm sure every Member of Congress could come up with things they would like to see in this bill that are not in it tonight. When you try to put together a consensus bill, that's the nature of the process.

But this is an important step. It's a step that allows us to say we are moving ahead with domestic production, we're moving ahead on accruing new technology, we're moving ahead on trying to reduce our dependence on foreign supply.

Again, I commend the chairman for his leadership. I ask everyone to support this bill.

Mr. PEARCE. Mr. Speaker, I recognize myself for 10 seconds before recognizing Mr. JOHNSON of Texas for 2 minutes.

Mr. Speaker, this bill taxes American refinery jobs and does not tax foreign refineries. So we're giving the advantage to foreign jobs and we are hurting American jobs.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. The American people want, need, and deserve a Congress that responds to their needs and acts diligently on their top priority. Sadly, the Democrats in Congress, beholden to their radical leftist interests, have blocked progress and will not let us do the job that the American people sent us to Washington to do—find real energy solutions.

Ironically, the only border fence the Democrats seem to care about is the fence they want to put up around the areas where we can't explore for oil. That's a disgrace. Solving our energy crisis means tapping all of America's resources for America's future to create American jobs and American prosperity. Folks are sick and tired of paying around $4 a gallon for gas. They're fed up with relying on foreign countries and brutal dictators to supply our energy needs. Americans have had it with a Democrat leadership who told the Congress to take a 5-week vacation instead of staying around to do their jobs.

The Democrat bill before us today is a sham. They're refusing to allow us to tap into our own home-grown energy resources and discouraging investment in future energy supply. I'm here to tell you, in Texas, this bill is all hat and no cattle.

On October 1, the ban on offshore energy exploration on the Outer Continental Shelf expires. This bill would put the lid on the OCS with no progress in sight. However, today's bill puts excessive rules and regulations back on the OCS, landing us basically back where we started. That's not what I call progress.

We owe it to the American people to get this one done right. We need to open up the Outer Continental Shelf. We need to allow States to share the revenue of oil exploration. We need to tap Alaskan areas that hold potential for domestic energy resources, not just the parts cherry-picked by the Speaker.

We must be open to oil shale, clean coal, nuclear, and renewable energy sources like wind and the sun. We don't need more bureaucracy, we need more innovation, and we need it all.

I'm urging my colleagues on both sides of the aisle to work together to come up with real energy reform for our children, grandchildren and America's future.

Mr. RAHALL. Mr. Speaker, I yield myself 15 seconds.

The previous gentleman has once again referred to the so-called ''5-week vacation'' during the month of August—a time period that we all have enjoyed with our families and working in our districts—without mentioning the fact that for the 90 days prior to that August district work period, Republicans called for 18 motions to adjourn this House, and they called for two motions today to adjourn this House without consideration of this bill.

Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank the kind chairman for not only allowing me to speak on this, but also for all the work that you've done to put this together.

I rise today in support of the Comprehensive American Energy Security and Consumer Protection Act.

A lack of action by the previous Republican-led Congresses and policies of the Bush Administration have led to skyrocketing gas prices while Big Oil companies are earning their largest profits in American history. We need to act now. We need to pass a balanced energy bill, which is exactly what H.R. 6899 is.

Many Americans are facing financial hardship because of our country's energy struggles. This bill expands domestic drilling, it protects States' rights to maintain control over their shores, and it allows America to move towards the future by investing in new sources of energy.

Despite some of the speeches we have heard on the floor today, the American people and the States are not unanimously in favor of an offshore drilling free-for-all.

The looming expiration of the offshore drilling ban on September 30 would allow drilling as close as three miles offshore in my home State of California. That's very concerning for Californians who are committed to protecting our shores from any drilling. And I support their sentiment.

This bill provides a compromise, ensuring that States like California can opt out of offshore drilling. Quite frankly, it seems like those people who would be for States' rights would support this provision that ensures that States are involved in the decision of whether to drill between 50 and 100 miles off of their shores.

In addition, the remaining Outer Continental Shelf beyond the 100 miles would be open to oil and gas leasing. As you might imagine, that doesn't thrill Californians, but this is a compromise; it's a compromise that gives States control over the waters closest to them while also advancing the Federal drilling interests further offshore.

In addition to the drilling provision, this bill will help enhance our national security and move toward energy independence by investing in renewable sources of energy. This legislation expands and extends tax incentives for renewable electricity, energy such as solar and wind and plug-in hybrid cars and energy-efficient homes and buildings and appliances.

I urge everybody to vote for this bill.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, a lot of us who spent time at home hoping that we would come back here and vote on a serious piece of legislation are disappointed here. This is not a serious piece of legislation. This is a piece of legislation that seems to be geared simply to give some people some cover for the upcoming elections.

If we had a serious piece of legislation that would provide for allowing us to exploit our own resources, it would allow States to share in the revenue generated by offshore drilling. Without allowing that, you simply guarantee that no State will opt in. So there is a lot of bait and switch here going on.

It seems that the only recycling in this is a familiar pattern of loading the bill up with a lot of items so you can get votes from here and there. For example, one of the spending programs is a National Consumer Awareness Program to educate the public on the environmental and energy benefits of public transportation. That's not a serious bill about our energy crisis. This seems to be a San Francisco bill with New York sensibilities.

And speaking of New York, there is a big fat item in for New York, about a $2 billion item which allows for the so-called Liberty Zone. This provision would allow New York City to keep $2 billion worth of the employers' share of payroll taxes to invest in transportation projects. That's a specific limited tax benefit for one entity here. That's an earmark by all definitions. And yet nobody has been able to explain—and we sought this morning, we sought all day to have somebody explain what that has to do with our energy future. Instead, it was just put in the bill to try to get a vote from here and there.

Again, this is not a serious piece of legislation. It is meant to provide political cover. It should be rejected. And, hopefully, as the moratorium goes off, we will get to really addressing our energy future.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CHET EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, when it comes to reducing gasoline prices now, this energy bill does something important, something that Republican bills refused to do. This bill will release onto the market 10 percent of the Strategic Petroleum Reserve, which already has 700 million barrels of oil in it.

By dramatically increasing the supply of oil onto the market this year, we will drive down the price of oil, which is being kept artificially high by oil speculators who don't produce anything except profits at the expense of average working families and businesses.

Just look at the facts. In 1991, when former President Bush released just 17 million barrels of oil from the SPR, oil prices dropped by 33.4 percent in just one day, 33 percent in one day. In 2000, when President Clinton released oil from the SPR, oil prices dropped by 18.7 percent. The fact is that releasing oil from the SPR is a proven way to

drive prices down quickly, and that's why this bill mandates the release of 70 million barrels of oil.

Now I can see why oil speculators don't like the idea of lower prices. I can see why ExxonMobil doesn't like the idea of lower prices. I can't quite see why my Republican House colleagues have voted against releasing oil from the SPR earlier this year. And none of their bills include this idea. It makes one wonder just whose side are they on now. Well, I'm going to be on the side of families and businesses in America who want lower oil prices today, not 20 years from now.

The Republican bill says to the patient that's hemorrhaging, well, help is on the way 10 or 20 years from now. And the patient is hemorrhaging and the American economy, businesses and families are hemorrhaging economically today, they need and deserve help today. Let's vote for this bill tonight. And let's help Americans this year by lowering energy and gasoline prices.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from New Mexico for yielding.

The Strategic Petroleum Reserve, I think it's named exactly what it is. Why, at a time when we have hurricanes that have hit the gulf coast, that's a time we might want to have to tap into the Strategic Petroleum Reserve. When we've got Putin sitting over in Georgia, Ahmadinejad threatening to close the Straits of Hormuz and we're opening up the Strategic Petroleum Reserve for what, for political strategy? Not for strategy for the security of the United States of America. That defies logic, I would say.

And to swap out sweet Texas crude for heavy Venezuelan oil at the same time also defies logic to track this. Why would anybody come to the floor and defend opening up the Strategic Petroleum Reserve?

But, Mr. Speaker, I came here to address this overall energy piece. And first, I'm for all-American energy all the time. I want to open up all of it. And I'm also for an open process, not for a 290-page bill that hit the presses last night at 10 o'clock and the Rules Committee at 10:45. How in the world could they evaluate it? And furthermore, what's the purpose of this constitutional process if there is no subcommittee, no committee, no amendments allowed anywhere along the line, amendments denied at the Rules Committee as well, a closed process—yes, an open debate for 3 hours, but not a process that allows perfection?

So it seems to me that we've handed the entire authority of the United States Congress over to the Speaker from San Francisco, who writes a policy, 290 pages, that doesn't do anything for us.

And I would add, Mr. Speaker, that even the Outer Continental Shelf, if we do nothing, it opens up. If this bill passes and becomes law, then it blocks out the first 50 miles, and litigation blocks that out and all of the rest.

I have here a copy of the Federal Code. This is the legislation that ended litigation on the North Slope of Alaska in 1973. That's what it took. No one got through the environmental litigation; it was an act of Congress. If we don't have an act of Congress, we're not going to get through this litigation, and all of our energy is going to be locked up, Mr. Speaker.

So this bill does nothing for corn ethanol, coal, ANWR, nuclear, the first 50 miles, oil shale, natural gas, hydroelectric, or the litigation that's blocking it.

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Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Speaker, I rise tonight in support of H.R. 6899, a comprehensive plan to use our Nation's resources and Americans' know-how to reduce prices and to free our Nation from the grips of foreign oil.

This legislation invests in renewable energy sources such as cellulosic ethanol, biomass and soybean diesel, creating good-paying jobs here at home and growing our rural economies. This legislation has opened up the Outer Continental Shelf. It has renewed drilling while demanding that oil companies use the leases they already have that have been issued or lose the leases to other oil companies that will actually produce oil and gas. It is time to end the giveaway to big oil companies that are reaping record profits while my folks in North Carolina and their families are struggling to afford to fill their own gas tanks. Today's bill does just that.

This legislation puts our Nation on a path toward a sustainable energy future through greater energy efficiency and conservation. This legislation is for the people of North Carolina and for America who would rather grow their own fuel instead of sending billions of dollars to the Middle East.

Mr. Speaker, I urge my colleagues to vote in favor of this progressive, futuristic piece of legislation to free America.

Mr. Speaker, I rise tonight in support of 6899, the Comprehensive American Energy Security and Consumer Protection Act.

H.R. 6899 will increase American oil production, invest in renewable energy sources and new efficiency technology, end giveaways to big oil companies, and create jobs here at home. This legislation puts our Nation on a path toward energy independence through greater energy efficiency and conservation, and lowers the price average Americans consumers pay for the energy they need.

For too long, this administration and the Republicans in Congress have relied on a single approach to our Nation's energy policy, allowing big oil companies to decide when and where to drill, while failing to ensure that they pay their fair share to the American people for the use of our federal lands. For too long the major oil companies have enjoyed the highest profits ever recorded at the expense of the American consumer, all while utilizing only a fraction of the Federal land available to them for drilling. This has only served to increase our reliance on foreign oil.

The bill Democrats are proposing today represents a change in the direction for our Nation's energy policy. H.R 6899 puts our Nation on a path towards a sustainable renewable energy future by eliminating unnecessary tax breaks to oil companies and using these funds for research into alternative fuels and renewable energy and efficiency tax incentives. We can put American know-how to work, strengthening our economy and creating good-paying jobs here at home instead of $700 billion each year to the Middle East. We can use the resources of rural America to grow energy right here at home and strengthen our communities.

Finally Mr. Speaker, H.R. 6899 has shown that the Democratic Congress has listened to the American people and not the big oil companies. This is comprehensive legislation that includes a compromise that will responsibly open the Outer Continental Shelf, OCS, for drilling, while demanding that oil companies use the leases they have already been issued or lose these leases to oil companies that actually want to produce oil.

This legislation gives States the authority to allow drilling from 50 to 100 miles offshore and makes all OCS waters beyond 100 miles immediately available for oil exploration. This puts our resources to work to meet our Nation's needs while at the same time protecting our coasts.

I know how high energy prices are hurting American families. This bill makes important changes to improve our energy supply and reduce costs. This is a bill that we can all support on behalf of the American people. I urge my colleagues to vote in favor of H.R. 6899.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. PEARCE) has 29¼ minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 23¾ minutes remaining.

Mr. PEARCE. Mr. Speaker, I would yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Actually, Mr. Speaker, I'm disappointed to be standing here tonight, discussing the bill that we're discussing, and I really wonder what the Americans who are sitting at home watching our debate tonight are thinking. From one side, they're hearing this is the best thing that has ever happened to America. From the other side, they're hearing what this bill is really all about.

I represent Virginia's Second Congressional District. That's the entire coastline in Virginia—the Atlantic coastline. For the 4 years that I've served in Congress, 2 years of those were on the Natural Resources Committee. I worked on this issue of the Outer Continental Shelf. I can't tell you how disappointing it was to know that the rumors I was hearing over the weekend were true and that, yes, it would open up the Outer Continental Shelf on paper but not in reality, because what this bill does is it says,

from 50 to 100 miles, yes, States, you may opt in. However, Virginia and every other coastal State, you will receive no royalties for doing that.

Now, when you look at the Gulf States—Alabama, Mississippi, Louisiana, Texas—37½ percent of those royalties go to those individual States. I don't think that this Congress believes in treating our States differently.

So, in discussing this bill, the reality of this bill will be that States will say ''no'' because why would a State agree to be treated so completely differently? So the reality becomes industry can go harvest this resource at 100 miles out. The problem is that's very expensive; it's much more dangerous, and we know the bulk of the resource in the Outer Continental Shelf is within 50 miles of the coast.

So what we're saying is, yes, America, we're going to do it, but in reality, no, America, it won't work. I think Americans are smarter than that, and Americans today understand that we have vast resources in this country that we've blocked. It's time for us to have a solution to open our American energy, to meet our needs and to treat our States fairly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Let the Chair remind Members, because it has happened three times during the debate, that Members should not traffic the well while another Member has been recognized and is in the process of speaking. Members should not approach the microphone in the well while another Member is speaking. It's discourteous, and Members owe better than that to each other.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I'm from North Dakota. I can understand why someone from Virginia would want the State of Virginia to get a lot of money for drilling more than 50 miles out, but you know, from where I come from, when you're past 50 miles off the coast, I'm not thinking of Virginia; I'm thinking of ocean. When you're dealing with leases owned by the United States of America, I think of resources that ought to come to the United States of America.

By the time this administration is done bailing out Wall Street, we may be looking at a fiscal deficit this year of $500 billion. Sure, it would be nice to just cut a big, old slice and give it to States here or to States there, but what about the Federal Treasury for heaven's sake?

I'm from a State that has got some oil. I'm very proud of what's going on in North Dakota. We've got a play called the Bakken shale play. They estimate there are 4 billion barrels of recoverable oil, some of it on U.S. leased land. North Dakota is not getting a big, old slice of that, but we're sure generating a lot of economic activity. Man, it's making our State's economy hum, and the economic activity of this drilling off the coast is going to make a lot of the economies of these States hum.

I can sure understand. Look, if I were from Virginia, I'd be saying, ''Hey, give us some money. Give us some of this.'' I understand that, but as a Nation, this year alone, it's going to run potentially $500 billion in the red. Don't you think we have some responsibility to our Nation, to all of the States and to our children?

You know, I like this bill, in my coming from an energy State, because it has got so many things in here that are positive. I mentioned our contribution in oil, but we also have a major wind dimension to our State. They call us the Saudi Arabia of wind. If you've ever been up to the high prairies of North Dakota, you'd know what they're talking about. We need to continue the tax support for the drilling-wind energy, and it's in this bill.

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

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. POMEROY. There is one other thing I wanted to mention. We're sitting on 800 years of lignite coal at present consumptive rates. The provisions of this bill that deal with trying to get clean coal technology so that this can continue to be an abundant, affordable component of our energy sources while trying to meet new environmental concerns is going to take investment. It's in this bill. This bill is a diverse bill—oil, renewables like wind and clean coal. This bill deserves your support. I hope you will.

Mr. PEARCE. Mr. Speaker, I would yield 3 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I would point out for those States that are not coastal States, if they have Federal or State lands that have mineral development or hydrocarbon development, those States do get a royalty share if it's public. Now, if it's on private land, then the royalty goes to the private landowner, but if it's on public land—State or Federal—and it's on an onshore State, there is a royalty that the Federal Government pays to the State.

We are here this evening because this is the climactic day, apparently, or evening on whether we're going to have a domestic energy production program for America that comes out of this Congress. The bill before us pretends to be just that bill.

The problem is in section 101. The first title of the bill is a leasing prohibition bill. There are so many prohibitions throughout the bill that, in point of fact, when you sort it all through, you have tax increases on coal because there's an existing coal tax that is set to expire in 2014, and it's extended to 2018. You have huge prohibitions against existing oil companies bidding on any of these new leases that might eventually come up. If you substitute Hollywood for Big Oil, that's like saying we won't let George Lucas or we won't let Steven Spielberg produce another movie because Star Wars or something like that made so much money the last time, which is simply silly.

We want our major oil companies to be out there producing and developing these leases because they're the ones most likely to actually find something and to produce it in a cost-effective fashion. I would point out that, for every dollar of profit our major oil companies make, they pay 3½ times that in taxes. It's a 3-to-1 return to the taxpayer when an oil company actually finds, develops, produces, and sells energy for America.

The bill before us has absolutely no permitting reform. As Congressman SHADEGG has pointed out, if you eliminated all of the moratoria and just did that and really let any area that's in the public domain be leased, it still wouldn't be developed because the national environmental groups preemptively file these lawsuits.

If you really want to have development and production, we have to do something on permitting reform, and that is not in this bill either. We really do need to be working together. Congressman ABERCROMBIE and Congressman PETERSON have developed a bipartisan bill that, I believe, has over 100 cosponsors, I would assume, equally divided between the Republicans and the Democrats. Very little of that bill is in this bill.

We simply must stop posturing politically and must really start developing good, sound public policy. The way to do that, in my opinion, would be to defeat the base text, to vote for a motion to recommit or to send the whole thing back and start over, I guess, next week with a clean sheet of paper.

Vote ''no'' on the bill that's before us.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from New York, a valued member of our Natural Resources Committee, Mr. HINCHEY.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to Chairman RAHALL for his leadership and for the good job that he has done with this bill and to Speaker PELOSI for her leadership in putting this together.

It has taken some time, but nevertheless, we have now a good, forward-looking piece of energy legislation, and it's high time. We know that we have, roughly, 3 percent, actually less, of the known oil reserves around the world, and we are now importing about 70 percent of the oil that we're consuming. Obviously, just those numbers tell us clearly that we have to be moving in a different direction.

So this bill makes it a lot easier for us to drill for our own oil, and it makes that oil more accessible. Already we've

seen what has happened. The price of a barrel of oil has dropped down by more than 30 percent even though a price of a gallon of gasoline has dropped only by 12 percent, which is interesting since the oil companies are continuing to exploit the situation.

The fact of the matter is and, I think, one of the main parts of this bill which really needs our attention is the way in which it is moving us toward energy independence, energy independence on alternative renewable energy, which this bill opens up in a way that has never been opened up before. That is extremely positive and very good for us.

What we really need here is a new industrial revolution, an industrial revolution which will enable us to develop all of the energy that we need from solar, from geothermal, from wind.

□ 2015

I think solar is the primary way, and that has been obvious to a lot of people, including somebody like Thomas Edison in 1933, who said it very clearly back then, solar energy is the one reliable form of energy. It ought to be increasingly clear to all of us now. And this bill opens that up. It is going to make solar energy real, significant, less expensive, and move us toward energy independence. And at the same time it does that, it will have a very positive effect on our economy. The likelihood is over a relatively few years, if we do this properly, solar energy will produce more than 1 million jobs in America.

So I thank you for the job that you have done. You are finally moving us in the right direction.

Mr. PEARCE. Mr. Speaker, I yield myself 15 seconds prior to yielding to Mr. SCALISE 2 minutes.

I would point out, Mr. Speaker, that the carbon footprint of solar is tremendously higher than that of wind. It is exponentially higher than the carbon footprint of nuclear. So while we are trying to clean up the environment, we are dumping now solar carbon into it.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank my colleague.

I am glad in one sense that we are finally having a real debate with people on both sides of the aisle. For the last 5 weeks, Republicans have been here debating this issue. For the last 4 months, we have actually had a proposal on the table.

What is very unfortunate is we hadn't seen a formal proposal by our friends on the other side until 10 o'clock last night. The bill was filed by dark of night, no inclusion of the membership on the other side, no bipartisan agreement. And yet now the bill is going to be thrown up here with no ability to offer amendments to the most important issue facing our country today, and that is solving this national energy crisis.

If you want to complain about Big Oil profits, you know how you can lower the profits of oil companies? You can increase the supply of American oil, which will immediately reduce the price of gas at the pumps. And, by the way, then their profits fall down.

But we need to be mostly concerned about what we can do to help the American consumer, and that means increasing the American supply. This bill does nothing to increase American supply. And you don't have to just ask me, you don't have to ask my Republican colleagues. You can ask my Democratic colleague, Senator LANDRIEU, across the aisle; Senator LANDRIEU, who said this bill, the Democrat House liberal energy bill, is dead on arrival in the Senate because of the provisions in the bill that literally will allow no drilling to occur to help increase American supply, to reduce our dependence on Middle Eastern oil.

Now, if you want to be relying on OPEC, this is your bill. This is the bill that takes away all of our leverage so that we can finally tell OPEC we are moving away from our dependence on Middle Eastern oil, we are not going to need you anymore, and then we have the money from all the billions that will be generated to bridge ourselves into all of the renewables we are trying to achieve in the American Energy Act.

This bill won't get us there, though, because by taking away revenue sharing, which, by the way, for States like Louisiana is what we would use to restore our coast, which is our barrier against hurricanes. Why would they want to take away the money that we would use to protect us from future hurricanes? That is one of many reasons why this bill is clearly dead on arrival in the Senate. They don't want to pass a bill if this is the only option they are going to put on the table.

Bring back the American Energy Act, a truly bipartisan bill, and let's solve this crisis together.

Mr. RAHALL. Could I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 19¼ minutes remaining, and the gentleman from New Mexico has 22 minutes.

Mr. RAHALL. I have the right to close, I assume?

The SPEAKER pro tempore. Yes.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I want to thank my friend, Mr. RAHALL, for yielding me this time.

Let me just remind my colleagues on the other side of the aisle, when this bill passes and when it becomes law, after passage of the Democratic energy bill, 85 percent of the total oil available offshore will be open for exploration and drilling. My colleagues on the other side simply can't take yes for an answer, and I am perplexed by that.

We continue to come back, and I know that my friend Mr. FLAKE made reference once again, to a provision in this bill that would restructure the 9/11 New York Liberty Zone bonds. We had a more extensive debate about this earlier today, and I don't want to necessarily go back into that.

But I think it is important to note for the record, on May 15 of this year, under questioning within the Ways and Means Committee, the Deputy Assistant Secretary for Tax Policy, Karen Sowell, stated that the President would oppose earmarks, but supports restructuring the New York Liberty Zone bonds and that the language included in his budget reflects that, that this is not an earmark.

Once again, I repeat: The 9/11 restructuring money is not an earmark. It is part of the $20 billion that you, that we, promised New York after the attacks of 9/11, $18 billion of which has already been delivered, or thereabouts. $2 billion has yet to be used, and, quite frankly, in the form it is in today, is not usable, and that is why we are doing this. This is not something new. We have already passed this four previous times. We just have not yet been able to get it enacted into law.

So I would just remind my colleagues once again that this is not an earmark. In fact, your former chairman of the Ways and Means Committee, Mr. Thomas, he is the person who put this into law. We are trying to fulfill a promise that you made.

Mr. PEARCE. Mr. Speaker, I would yield myself 15 seconds before yielding 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

I would again point out that there is more stimulation for bicycles in this bill than there is for nuclear power. That indicates this new direction we are being taken by the majority.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I want to thank the gentleman for yielding, and I want to thank all the Members of this body for participating. Those of you that have been down here for hours, I want to thank you. I want to thank my friend Mr. ABERCROMBIE from Hawaii, who has worked at my side for half a decade, bipartisanly, to try to figure out how we can make America energy independent and open up the resources that we have.

How can the most powerful country in the world allow itself to be in a position where its energy prices depend on three things that they have no control over? We just faced one, and we dodged a bullet again from major damage; storms in the gulf. They happen most years. It will depend on that whether we have available affordable energy.

The stability of the 13 largest oil companies in the world, all bigger than Exxon, unstable countries, non-democracies who have governments that tip over often. And if any one of them tips and produces two or three million barrels less oil, there is a shortage of oil in the world.

And then we have been lucky that terrorists have not yet attacked our energy system. It is so vulnerable.

How did we let ourselves get there? Well, most of our lifetime, in fairness to the former Congresses, energy was cheap, $2 gas and $10 oil. A spike in the seventies, a spike in the eighties, a spike in the nineties. We tried alternatives, but they didn't work, because cheap oil ran them out of the market.

Folks, cheap oil is gone. Cheap natural gas is over. We are in a new era. We are sharing energy now with a whole part of the world that didn't use it before. We will soon not be the biggest user of energy.

Twenty-eight years ago, we decided it was better to use theirs, not ours. We started locking up our Outer Continental Shelf. A few years later we tried to open ANWR when it was starting to get a little tighter, and a President vetoed it. About the same time, they set one of the largest coal reserves in America, I believe it was in the State of Utah, aside, as if it wasn't important, millions of acres.

More recently, in legislation that slipped through and got signed, unfortunately, we locked up shale oil, the big new field that has awesome potential.

And the one that stuns me, the fastest growing renewable, and I haven't heard anybody mention it here, woody biomass, 3.6 percent now. Woody biomass. Pellet stoves, wood waste for boilers, and we are hoping to do cellulosic ethanol from it. We have legislation that says wood waste from our Federal lands can't be used.

Tar sand oil, the new oil from Canada that we have built our refineries to use, we have legislation that is going to made it difficult to get that.

Every year since I have been here we have become 2 percent more dependent on foreign oil, and we will again next year. Unfortunately, this legislation locks up 97 percent of the west coast energy availability. It removes the part of the eastern gulf that is the most easy to obtain, close to where we are producing today, where the infrastructure is there and we can do it quickly. On the east coast, most of the energy is between 25 and 50 miles out, and it is locked up.

Then I guess the part that bothers me, I was a State legislator before I came here, we are kicking the ball to the State legislatures. It is Congress' role to provide energy for America. We are saying to State legislators, vote to open up. We are not going to give you royalties. There is no win in it for you, but you be statesmen. You take on that environmental lobby and you open that land up, because we won't.

Yes, prior to this bill, the ANWR Interior bill was available, and for the last number of years I forced many of you, and some of you groaned, to vote on whether we continued the moratorium.

Fourteen Congresses and three Presidents have not adequately valued energy availability for America. There is lots of blame to go around. Let's stop blaming each other here.

Who are the losers? The working people of America, Mary and Joe, retired seniors, living in a family homestead, struggling to have money for their automobile fuel and going to try to heat that big old home this year. Last year they kept it at 58. They don't know what they are going to do this year.

Jim and Nicole with three children. They have an eight-year-old vehicle and a modest older home. They kept their home at 60 raising kids, and they don't know how they are going to do it, because their bills are going to be much higher this year.

Then Margie, a single mom with a teenage daughter and a teenage son. She drives 40 miles to work one way, that is 400 miles a week. That is really stretching her budget with these gas prices. Her gas bill has gone from $175 to $220 to $230. She has no idea how she is going to pay it.

The small businesses that employ the bulk of our friends and neighbors are struggling to pay their energy bill.

Folks, we need to deal with this energy issue, and we need to deal with it bipartisanly and get cost-effective energy for this country.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) and want to salute him not only as an extremely knowledgeable person on our Committee on Natural Resources, but one who has worked with us throughout this process, has been involved every step of the way and has contributed magnificently.

I just want to salute Mr. ABERCROMBIE for his tremendous efforts on behalf of this compromise bill.

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

Mr. ABERCROMBIE. Mr. Speaker, I want to thank JOHN PETERSON as we move on this bill, whatever happens tonight. I notice there are some Members we have been working with.

This is kind of an emotional moment for me, I will tell you, because one of the great sorrows that I am going to have out of this is not so much that our bill didn't make it to the floor, but that JOHN PETERSON is leaving the Congress of the United States. Of course, he is doing it always for the right reasons, for somebody else, and, of course, we hope that your wife, JOHN, is going to be well. I send her greetings and love and affection tonight, the love and affection we bear for you. You make the word ''honorable'' mean something very deep and real in this House.

I see Mr. BISHOP and others. Mrs. DRAKE was here. There are so many names we were working with: JIM COSTA and DAN BOREN, BILL FOSTER, TIMMY WALZ, TIM MURPHY. So many people. I am going to risk hurting people's feelings if I don't name everybody. But I have got to say DAN BURTON or he will yell at me. So many folks. JEFF MILLER, so many. NICK LAMPSON, he is down there tonight.

The reason I bring all those names up is that we are productive with H.R. 6709 I think because we got away from lobbyists coming in or corporations coming, advocacy groups, and we got away from the leadership clash, if you will, over who is going to get the House or who might not.

In all honesty, I want to move this bill tonight. I agree, by the way, with DON YOUNG, I agree with what JOHN just said, what THELMA said, all the folks over here on sharing the revenues. I think we didn't have enough information coming from the CBO on that. It looks now like we can put royalties in and it won't create a pay-as-you-go problem.

There are a lot of things that can be done, if we can move the bill along. That is what I am asking, just move this bill along. It is like JIM COSTA said earlier, a work in progress. Come on, there are very few rookies here, very few rookies legislatively, even if you are just new in the body. We have got four or five different shots at this in order to perfect a bill.

I wouldn't vote for this bill if it came back now and this was conference bill. I wouldn't vote for it. But this gives us an opportunity to move this along. That is all I am looking for. And, believe me, the Republicans can claim they forced the Democrats to take it up and they made their point, and the Democrats will claim that they went for the bigger national interest and acted in a nonpartisan way.

□ 2030

Everybody can make their political claims. But let's keep this moving. We have been talking to SAXBY CHAMBLISS, come on, a lot of us served with him here in the House; and LINDSEY GRAHAM, he is our friend; BEN NELSON, MARY LANDRIEU. I told MARY, left a message, said, look, don't say it's dead on arrival. We are for the revenue sharing. We can work this out.

The American people will blame all of us. The American people will not say the Democrats have showed up the Republicans, or the Republicans sure showed the Democrats. They are going to blame the Congress, because they want energy independence. We have to have it.

My plea to you is that we take this bill and move it along and get it into the Senate. We have nothing to lose and everything to gain in terms of energy independence, number one; and, number two, preventing the exporting of needed American dollars from investment in this country to import energy. That's the reason that we need to do this.

We have got to get away from, I see there is something from the National Wildlife Federation, comes in today, a lot of praise for the bill, but they don't like the oil shale provision, where it's an opt-in from the State, so they still

kill the whole bill, kill everything because there is something in it they don't like. We urge you to oppose it and the motion to recommit too. So we end up with nothing.

Other people, we have been using words like ''hoax,'' despite claims to the contrary, this is not a drilling bill. Believe me, when the Speaker came around on this, and it's one of the reasons I feel we should move forward with the bill, the Speaker doesn't want this bill, believe me. But she is not the leader of the California delegation, she is the Speaker of the House, and she feels that something has to move along, even if she doesn't approve of most of the provisions that are in here, if she had her own personal way. What I am asking is let's rise above the arguments. Let's rise above the clash with one another.

I don't say that for altruistic reasons, I say it for practical reasons, practical legislative reasons. We will not be forgiven by the people of this Nation if we are not able to move an energy bill to the Senate so we have a fighting chance to try and work the legislative process here. Let's not have the kids that come to visit us every day, the people who come to our office sincerely asking us for our help, look at us and say they couldn't do the job that they were sent here to do.

Mr. PEARCE. Mr. Speaker, I submit for the RECORD three letters of opposition for this bill from The American Conservative Union, Industrial Energy Consumers of America, and the National Association of Manufacturers.

DEAR REPRESENTATIVE PEARCE: On behalf of the American Conservative Union, I urge you to vote ''NO'' on H.R. 6899, the so-called ''Comprehensive American Energy Security and Consumer Protection Act,'' a 290 page bill put on the floor with less than 24 hours notice under a closed rule with no room for amendments.

When we were kids, we all played a variation of the game ''Let's Pretend'' in which we pretended to do something or be somebody knowing it was make-believe. The authors of this bill are playing ''Let's Pretend'' with the American people, pretending they are passing a bill to increase domestic energy production when they know it will do no such thing.

By eliminating revenue sharing for the states in royalties for offshore oil and gas drilling while requiring states to approve the drilling leases, the bill's sponsors know it is unlikely the states will bother to give their approval. Even Democratic Senator Mary Landrieu of Louisiana has said this bill ''will not see the light of day in the Senate'' should it pass the House.

The bill prohibits drilling less than 50 miles offshore when the sponsors know that, to give an example, 95 percent of the known reserves off the coast of California are less than 50 miles out.

Once again, as in other energy legislation, the bill needlessly increases taxes that only serve to increase the cost of energy. The bill will also increase electricity bills for the average consumer by forcing utility companies to use alternative fuels regardless of the cost. This provision has already been rejected by the Senate in a previous energy bill.

The American people are demanding we change our bankrupt energy policy which has prevented the U.S. from utilizing our own resources and made us dangerously dependent on foreign oil supplies from unfriendly countries. They will not fall for a bill full of gimmicks which does not do the job.

We strongly urge a ''no'' vote on H.R. 6899.

Sincerely,

LARRY HART,
Director of Government Relations,
The American Conservative Union.

INDUSTRIAL ENERGY
CONSUMERS OF AMERICA,
Washington, DC, September 15, 2008.

Hon. NANCY PELOSI
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: We thank you for placing domestic energy production at the top of the September legislative priorities. Together, we must act to solve our energy crisis that is impacting every American and threatens the competitiveness of our manufacturing sector. On behalf of the Industrial Energy Consumers of America (IECA), we look forward to working with you to increase domestic production of affordable and reliable energy and to increase conservation and efficiency across all sectors of the economy.

The Industrial Energy Consumers of America is an association of leading manufacturing companies with $500 billion in annual sales and with more than 850,000 employees nationwide. It is an organization created to promote the interests of manufacturing companies for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets.

As significant consumers of energy, our competitiveness is largely determined by the cost of energy and especially natural gas and electricity. Given this, we have reviewed key components of your legislation and offer the following comments.

Your legislative provision to open the outer continental shelf (OCS) to drilling is a bold positive step and we applaud you for it. However, unless modified, it will not result in increased offshore production. To increase production, either remove the provision that requires a state to approve drilling in their offshore areas or provide royalty incentives to states who agree to allow drilling. Also, the 50 mile requirement is problematic because according to the Minerals Management Service 80 percent of our known natural gas and oil reserves are located within 50 miles offshore. If our goal is to increase domestic production and increase our nation's energy security, we must not limit drilling to beyond the 50 miles.

IECA also encourages you to allow production access to the Alaska National Wildlife Refuge. This is an area in Alaska that is the size of the Los Angeles airport with tremendous known hydrocarbon resources that will significantly add to our national energy security.

IECA strongly oppose provisions that provide monetary incentives and mandates to use compressed natural gas (CNG) as a motor vehicle fuel. The transportation fuels market already has alternatives and is developing more options in which to fuel their market while home owners, farmers and manufacturers who use natural gas do not. This provision puts the transportation market in direct competition for the same natural gas and will result in much higher prices. We urge you to delete this provision from your legislation. Later, after we have had several years of increased natural gas production such an initiative could be re-visited.

Increasing demand without first significantly increasing supply could devastate the manufacturing sector that relies upon natural gas for both fuel and feedstock. We have lost over 3.0 million high paying manufacturing jobs since 2000 and high natural gas prices have played a significant role.

According to the Energy Information Administration, natural gas demand has grown by 9.8 percent since 2000 while production has remained flat despite record well completions. Production in 2000 was 19.2 trillion cubic feet versus 19.3 trillion cubic feet in 2007. Recent growth in natural gas from shale is encouraging, but this has not yet shown sufficient production to accommodate the growing demand by the power sector let alone provide additional supplies for the motor vehicle industry.

Congress has a history of passing mandates that increase demand for natural gas while simultaneously failing to put in place a long-term framework to increase production—this must change. Federal mandates such as the low-sulfur fuels standard and the biofuels (ethanol) mandate both increased demand for natural gas. And, pressure to reduce greenhouse gas emissions has resulted in a 35 percent increase in natural gas demand by the power sector. Together, the increases in demand and resulting higher price significantly contributed to the erosion of US manufacturing base since 2000.

IECA does not support the federal Renewable Portfolio Standard (RPS). Incentives, not mandates are the appropriate way to increase the nation's supply of renewable energy. States that have abundant renewable energy resources have enacted programs while those not endowed have not done so for good reason. A federal RPS would have a devastating impact on the global competitiveness of the pulp and paper industry that uses biomass as a feedstock and fuel. We urge you to delete this provision from your legislation.

For both cost and security reasons, it is important the Congress support research and deployment of carbon capture and sequestration (CCS) technology to use our vast coal reserves. IECA is troubled with this provision because it increases the price of electricity to us and to consumers thru a wires charge. It is essential that the provision be modified to ensure that the wires charge be paid for by 'all' consumer classes and that it specifically designate that no less than 10 percent of the revenues be directed for industrial applications for CCS.

Thank you for considering our views and we look forward to working with you.

Sincerely,

PAUL N. CICIO,
President.

SEPTEMBER 16, 2008.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose the Comprehensive American Energy Security and Consumer Protection Act.

We are encouraged that the House of Representatives has taken steps to craft an energy bill that will result in measurable energy efficiency gains and renewable energy incentives. We also recognize the important attempt to expand domestic energy development in the Outer Continental Shelf (OCS). While we support an increase in domestic energy supplies, we have serious concerns that without any state revenue sharing mechanisms it is highly unlikely that states will ''opt-in'' to leases and the result will be no new access.

Moreover, the NAM strongly opposes provisions in the bill that would:

Increase taxes on energy producers, including ending the Sec. 199 deduction for certain

producers and limiting it for others and restricting the use of foreign tax credits. This will directly add to the costs to energy production, discourage new domestic oil and natural gas production and make domestic energy investments less competitive economically with foreign opportunities;

Create a mandatory 15 percent federal renewable portfolio standard. This provision will directly add to the cost of electricity for manufacturers and consumers by mandating a renewable standard in regions of the country that do not have adequate resources to comply. In effect, it would translate into a new tax on electricity, passed on to U.S. manufacturers and consumers.

While the NAM cannot support this legislation and urges its defeat, we are prepared to continue to work with Congress to advance energy legislation that lowers costs for manufacturers and promotes energy security .

The NAM's Key Vote Advisory Committee has indicated that votes on the Comprehensive American Energy Security & Consumer Protection Act will be considered for designation as Key Manufacturing Votes in the 110th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President,
National Association of Manufacturers.

Mr. Speaker, I yield myself 6 minutes.

We have heard my friend from Hawaii just compel us to vote for the bill. But with all respect, I would say that we have constituents who are struggling to make their budgets balanced. They have $4 a gallon gasoline, high cost of food, increasing taxes, and we are telling them, ride a bicycle. We are telling them we are not going to build nuclear power plants.

China gets it. China is converting from bicycles to nuclear, while we are converting from nuclear to bicycles. If China gets it, how come we don't? Everyone in this country is worried about our jobs disappearing to China. They are worried about our standard of living decreasing. They are worried about the ability to pay for their kids' college, and we are sitting here saying ride a bicycle, drive a solar car.

With all due respect, I wonder if the Speaker is going to leave tonight in a black solar limousine. I wonder if the Speaker has a nuclear car. I wonder if the Speaker has a wind-powered car. We are dealing in gibberish here while the American people are suffering and while our economy is suffering, and why are we doing it?

I will tell you, I watched in the 1970s as this Congress began to do things to kill an industry, the timber industry. There were 20,000 jobs in New Mexico in the timber industry, and this Congress at that time eliminated those jobs by killing the industry, allowing litigation to stop every single project. There is nothing in this bill to stop litigation.

I think that Americans are tired of watching special interest groups bring litigation to stop drilling, to stop mining, to stop oil and gas, to stop timber, to stop everything. They stopped construction projects.

I think the American people are ready to take back this country from the extremists who obstruct our way of life and who obstruct everything that we stand for. I believe in American exceptionalism, I believe in our ability to bring hope to the entire world.

Everyone wants to come to this Nation to find their hopes, and we are litigating ourselves out of it. I don't understand why this Congress and this majority is making the stance that we are not going to build nuclear. Instead, we want you to ride your bicycles.

Oh, by the way, we are going to tax those American jobs. We are going to tax them out of existence if we have to, because we have got a point to prove. That's what I see in this bill. We are going to tax American jobs, and we are going to let that foreign gasoline come in here tax-free, so we are going to do that, but we're going to get back at somebody. That's what I hear in this bill.

We need every form of energy that we can get our hands on now, and, in the future, our need for energy increases dramatically. Why are we doing nothing in this bill for clean coal technology? Why are we doing nothing in this bill for the easy-to-get offshore gas and oil?

We prohibit, forever, oil and gas that lies just off our shore. We say to the oil companies, you can go out there at 50 to 150 miles, that ultra-deep stuff, that's where the stimulations are right now. There are no stimulations for onshore production. There are no stimulations for that shallow-water production. The only stimulations are for that very deep, deep production, and we hear constant complaining and accusations.

That stimulation to deep, offshore production is increasing our capability to produce our own jobs and our own energy. We are sending over $600 billion a year out this country to other countries. We are providing jobs for them, and we are not providing jobs here.

If we reinvested, and if we invested in our local oil and gas economies, we could produce at least a 6 percent rate of growth in this economy just by that. Forget the other services that are going to come along with just the $600 billion. We are making foolish, upside-down decisions here, and this Nation is going to pay for it. Small businesses are going to go out of business. We are seeing the difficulty that we have competing worldwide, and this Nation is going to see a decline in the standard of living because of decisions that we are making here.

Last December, we made a decision to put all shale off-limits, 2 trillion barrels of shale. The American country has not used 1 trillion of shale, of oil, since our inception, and we put 2 trillion off-limits. Then we come into this bill and we sort of tickle around with it and say, well, maybe you can if your State says you can.

Where else do we allow the States to say, no, you can't produce those Federal assets. Where else do we give the States the veto power over our economy and over the production of Federal resources? It just doesn't make sense what we are doing here tonight.

It does not make sense that we don't cure the litigation problems that are going to kill our economy dead. It doesn't make sense that we are saying ''yes'' to bicycles, no to nuclear, no to that easy to get to oil off the coast, no to clean-coal technology. We are saying ''yes'' to the extremists and ''no'' to the American family.

I think the American family is going to take note for a long time what we are doing here tonight.

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

Mr. RAHALL. Mr. Speaker, may we have a time check. I am prepared to close on this side.

The SPEAKER pro tempore. The gentleman from New Mexico has 11 minutes remaining, and the gentleman from West Virginia has 12¾ remaining.

Mr. PEARCE. We have two more speakers.

Mr. RAHALL. Mr. Speaker, I reserve the balance of our time.

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, when Puerto Rico kicked us out, yes, kicked us out of our training areas for the Air Force and the Navy in Vieques, we had to move that specialized type of training into the eastern Gulf of Mexico. We established a military mission line and said there would be no drilling platforms or drilling ships there because it would not be compatible with the type of training.

The type of training that we are doing there with the Air Force and the Navy aviation, as well as the naval surface ships are hypersonic weapons, supersonic aircraft, long-range missiles, stand-off missiles like AMRAAM, and we are talking about Patriot missiles. We are talking about all types of ordnance being used to train our pilots and our ship crews, a very specialized training.

For those of us who are determined to make sure that our forces have the best training possible, this is the only place, according to a briefing that I had with the Deputy Secretary of Defense this week, the Air Force this week, the Navy this week, this is the only place east of the military mission line where this type of training can take place in America.

So those who are concerned, those of us who are concerned about this, are curious as to what will the motion to recommit have to do or speak to this area east of the military mission line?

It's very important to us. It's very important to our national security and to those fighter pilots who are going to be doing their training here before they get into a combat situation.

Mr. BOEHNER. Will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield to the leader.

Mr. BOEHNER. I thank my colleague for yielding.

Mr. Speaker, it would be our intention in the motion to recommit to protect this military mission area.

After we lost our training area off the coast of Puerto Rico, I think all of us understand how important this area is to the training of our war fighters and the fact that it needs to be preserved for that purpose.

Mr. YOUNG of Florida. I want to thank the leader. This is important to most of us and to our military. So I thank the gentleman for his response.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the comments of the gentleman from Florida and his concern for the area off his coast, and I appreciate the minority leader's comments in response that he would be protected in the motion to recommit. We do protect him in this bill.

We met with the Florida delegation. We are perfectly aware of the concern of the Department of Defense to this particular area, the military training and equipment training that takes place therein. We are preserving existing law in our bill, which holds that area off-limits to drilling unless there is a memorandum of understanding between the Secretary of Defense and the Secretary of Interior. That is the current law that was enacted in 2006.

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

Mr. PEARCE. Mr. Speaker, I would recognize Mr. BROWN for 2 minutes.

Mr. BROWN of South Carolina. I appreciate the gentleman yielding.

Mr. Speaker, the argument that we have today is an argument that we have been discussing for a long, long time about our energy and energy independence.

We recognized, this past week, when the storm went through Houston, that we found another problem that we had. We were concerned about the price of gasoline.

Now we are concerned about the price, not the price, but the availability. What we need is more supply if we are going to compete in the world arena.

Some 70 percent of our energy today is coming from foreign sources. If you have been following the dialogue on the world market, Russia now controls most of the natural gas going to the European nations.

You notice from time to time there is a threat to cut that supply off. One day that's going to happen to America. With 70 percent of our energy coming from offshore from people that don't like us, we are going to have the same problem one day, a supply problem. Just like we had back with the oil embargo in the 1970s, the same situation is going to happen to us, even as we see some families now going to stations, and they say ''out of supply today.''

The bill we are looking at today concerns me. I represent the coast of South Carolina, some of the prettiest beaches in all the world. We would love to say there are alternate ways to find our energy solutions, but we are willing, in South Carolina, to pay the price, just like in Louisiana, just like in Texas, just like some other places, California and other places, that are using their energy resources to help cultivate the economy of this great Nation.

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We recognize if we don't do all of the above, we are going to find ourselves in a Third World situation. We need nuclear power. We need wind, we need solar power. But we also need gas and oil. Gas is one of the best fuels we can find. We can burn it in our automobiles and we can burn it in our power plants. It is a clean-burning fuel, and we have an unlimited reserve off the Outer Continental Shelf. We need to be able to access those resources.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I wanted to reference today's New York Times editorial, not a Member of this body but the editorial page. It is titled, ''Ms. Pelosi Compromise.''

''This is obviously not the best moment for Congress to rush through an energy bill. The country is caught up in a heated Presidential campaign. Voters are furious at high gas prices. Republicans are happily pandering to that anger, while the Democrats fear it. And at the end of this month, just before Congress heads home for the election recess, the long-standing moratorium on offshore drilling is scheduled to expire—providing an opportunity for more grandstanding.''

The editorial continues that ''these are not sensible times, which means that Congressional Democrats, particularly House Speaker Nancy Pelosi, must try hard to make the best of a bad situation.

''The situation, briefly, is this: the Republicans have been bludgeoning the Democrats with the claim that Democratic opposition to offshore drilling is to blame for high fuel prices and that drilling is the answer, or one answer to the country's dependence on foreign oil.

''We find it hard to imagine that they really believe what they say. Drilling will have no impact on fuel prices for at least 15 years, if then, and any number of efficiency measures will do more to reduce the country's dependence than drilling for America's modest offshore reserves. But the chant of 'drill, baby, drill!' is playing far too well on the campaign trail for the Republicans to let the facts get in the way.

''The Republicans have offered bills that would provide broad access to the Outer Continental Shelf and in one case allow drilling as close as 12 miles from shore. So Ms. Pelosi is taking no chances. As early as Tuesday she is expected to unveil what she advertised as a grand compromise. The bill would allow drilling in all of the Outer Continental Shelf beyond 100 miles offshore from States that permit it.''

The bottom line: ''Ms. Pelosi's compromise deserves support. If it fails, the Democrats must fight to renew the moratorium. Otherwise, there could well be oil rigs within 3 miles of American shore.''

Thank you, Mr. Speaker, and thank you to the New York Times.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, the American people have made it clear that they support all-of-the-above energy solutions that increase the production of American-made energy, including offshore energy. Unfortunately, the Democrats' so-called energy bill is anything but an all-of-the-above energy bill.

The Democrat bill claims to expand offshore drilling, and yet it expands drilling in areas where there isn't any oil.

The energy bill also requires the States to opt in to allow offshore energy exploration off their coast. However, it doesn't even provide them with a share of the royalty revenues.

I think the American people would agree that we should be providing coastal States with incentives to produce energy, not discourage them. I strongly oppose any effort to treat California as a second-class State, and I am frankly surprised that the Speaker would support a bill that denies our State royalty revenue benefits that other States currently enjoy.

This bill does nothing to increase production of nuclear power, nothing for hydropower, and nothing to increase refining capability. This bill is hardly change we can believe in. In fact, this bill isn't change at all.

Mr. RAHALL. Mr. Speaker, I am prepared to close, so I reserve the balance of my time.

Mr. PEARCE. How much time remains?

The SPEAKER pro tempore. The gentleman has 5½ minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we know that litigation has been stopping all of the attempts at drilling and will continue to do so unless there was something in the bill to end the litigation. So we know that is going to stop it. We know that this bill has an opt-in for States but won't give them a dime of revenue so they are not going to opt in.

So what this has become is akin to what I saw this weekend after the hurricane. On the radio and on the phone people were told that this gas station at such and such location now has gas. People would run down there only to find it was out of gas. That is what this bill does.

Here is energy; people are going to run out, and when they get there, they are going to find out there isn't any.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, two quick points as the debate draws to a close. First, I have to question again the use of the term ''compromise.'' The use of the term ''compromise'' implies that the minority party was consulted, our advice was sought, that we could channel the wishes and aspirations and voices of our people into this debate as the legislation moves forward. We were denied that opportunity. Perhaps it would be best to clarify that this is a compromise amongst the Democratic Party itself and not amongst the majority and minority parties.

Secondly, this bill continues to ration energy. This is a government rationing of energy, and at this point in time when America needs energy production, it will not meet the needs of people who are suffering.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from New Mexico.

My comments on this last 1 minute are more on the process. I have spoken at length on the policy, or lack thereof. I thought it was ironic that we had Congressman ABERCROMBIE and Congressman PETERSON on the floor earlier speaking about their efforts to come up with a bipartisan compromise bill. I think they made a noble effort.

I went to JOHN DINGELL, the chairman of the Energy Committee, and asked if he would like to work with me on the Energy and Commerce section of the bill; and he said that, quite frankly, he wasn't able to do that.

I just asked DON YOUNG if he was ever asked by Mr. RAHALL to work on a bill in his committee, and Mr. YOUNG said that never happened.

My guess is that if I asked JIM MCCRERY, the ranking member of the Ways and Means Committee, if he was asked by Mr. RANGEL, the chairman, that Mr. MCCRERY would also say that he was never asked.

The point of fact is we have a 290-page bill that is being voted on the day after the evening it was introduced. There is no way you can have a substantive vetting, debate on this massive amount of legislation in less than a 24-hour period. And none of the relevant committees on a bipartisan basis have held a markup, have held a hearing, any kind of a legislative drafting session at all. And yet we are asking the 435 Members of this body and the delegates that are allowed to vote on the floor to vote on the most important domestic public policy issue before this Congress.

That is not fair to the American people. It is a disservice to the process; and for that reason alone, the bill should be voted down.

Mr. PEARCE. Mr. Speaker, may I inquire of the time.

The SPEAKER pro tempore. The gentleman has 2½ minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, this debate has progressed for a long time, but made a very short distance. The American people have a right to expect that we would do our job, that we would do our job to ease the pain in their everyday life. They have a right to expect that we would increase the competitiveness of American companies so that we are able to hold a good, strong economy. They have a right to expect that we would give fairness to all States. They have a right to expect that we would use good common sense in establishing this bill.

Mr. Speaker, we are failing on every account in the bill that is before us tonight. When we should be establishing American dominance in the energy field, we are saying ''no'' to nuclear and ''yes'' to bicycle power. When we should be doing our job to find new clean coal technologies, we don't even mention them here. When we should be drilling for every amount of oil that we can find here to create American jobs and to stop spending $700 billion overseas, we are limiting our ability to produce here.

We were told 2 years ago that we were going to see a plan, and tonight we were told we have new ideas. Those new ideas are riding bicycles and killing the American economy with higher fuel prices, hurting the American family with continued restrictions of supplies, putting ourselves strategically at risk by selling off the Strategic Petroleum Reserve.

Mr. Speaker, I request that all Members, Republican and Democrat, vote ''nay'' on the bill in front of us tonight.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding. Let's just stop and think for a moment about what our constituents are dealing with tonight as we stand here. They have got concerns about the economy, concerns about keeping their own jobs. They have concerns about whether they are going to be able to put gas in their car tomorrow considering the high price of gas. Or we have the home heating crisis about to come to us as they are filling their propane tanks and oil tanks and looking at the heating bills that are coming this winter.

And what are we doing? We are sitting here tonight in the middle of the biggest hoax I have seen in the 18 years I have been in Congress. It is a sham, and everybody in this Chamber knows it is a sham. I know those are strong words and words that I don't use lightly, but I want my colleagues to consider this for a moment.

We have a bill here that purports to be a compromise, but I don't know one Republican Member who was involved in one meeting with regard to this compromise. It was written by the Democrat leadership that runs this Congress in the dark of night on a napkin. It showed up here last night at 9:45, a 290-page bill at 9:45 last night that no Member had ever seen; and guess what, as we stand here tonight, no Member has read.

All right, some Member, any Member stand up and tell me you have read this bill. That is what I suspected. Not one Member has read the bill that we are about to consider. No hearings on the bill, no committee action, no one has read, and the bill purports, purports to increase American energy. But I want you to consider this: 85 percent of the known reserves off of our coast on the Outer Continental Shelf, 85 percent at a minimum are locked up permanently under this bill. And of the 15 percent that are purportedly opened, the States would have to comply to open those Outer Continental Shelf reserves. But there is no revenue sharing to the States like there is in Texas and Louisiana and Mississippi and other areas. There is no revenue sharing, so the States have no incentive to want to open up the Outer Continental Shelf.

So how much new drilling will we get out of this bill? Zero. It is just zero. And there isn't a Member in this body who doesn't know it is zero. So when I call it a hoax or a sham, I think you all understand what I am trying to say.

No new nuclear plants in this bill, no new oil shale drilling in this bill. No clean-coal technology in this bill. We are the Saudi Arabia of the world when it comes to coal. We have clean-coal technology. Whether it is coal to gas, coal to liquid, we have ways to use our coal in a clean way. Nothing in this bill will allow it to happen.

What does it have in it? It has a big old tax increase in it; you can be sure of that.

What else does it have in it? It has a big earmark in it: $1.2 billion for the City of New York on behalf of one Member in this bill. Here we are trying to take some steps toward energy security, and we have to load it up with a big old earmark, $1.2 billion.

A compromise, huh? This is no compromise. The compromise might have been amongst a bunch of Democrat chairmen who wanted to have some bill, but there is no compromise here.

Let's just describe this bill for what it really is. It is nothing more than political cover on the eve of an election to say that we voted for an energy bill, except there is no energy in it.

Congressional approval today is at the lowest point in any time since polling began, and our Members wonder why.

□ 2100

And it's stunts like this that have the American people so cynical about their Congress. They expect that the Congress is going to do something about increasing energy security in our country; that we're going to do something about bringing down the high cost of gasoline; that we're going to do something about bringing down the high cost of heating oil or propane or natural gas this winter.

And what are we doing?

Playing political games on the eve of an election.

The American people understand that 70 percent of our oil comes from overseas. More than half of that comes from OPEC, who's considering lowering their production in order to maintain the high price of oil. We're just teetering, they're just teetering with us, kind of have us on a string because, over the last 30 years, my Democrat colleagues have stood in the way of more energy production in the United States. That's why we're in this box that we're in today. And we have a chance to do something. We have a chance to move in the right direction, but this bill isn't it, and there's not a Member in this Chamber who doesn't understand this bill doesn't do anything about bringing us any closer to energy security.

In a few minutes, we're going to have an opportunity for all of the Members on both sides of the aisle to do something of substance. The motion to recommit tonight will be the Abercrombie/Peterson bill. No changes. No tweaks, no nothing. And it's painful. And it may not be everything that I want, but let me tell you, this bill is a bipartisan bill worked on by serious Members from both sides of the aisle. It's a bill that does do all of the above. It gives us more drilling for oil and natural gas in an environmentally sensitive way off our coast. It does allow revenue sharing, revenue sharing to the States so they have an incentive to participate in helping to open up this area off our coast. It's got new nuclear in it. It's got oil shale drilling in it. It's got clean coal technology in it, and it's got a lot more money than the Democrat bill when it comes to putting money into renewables, trying to speed up their development to bring those renewables to market as soon as possible.

And so we've got a chance to do the right thing tonight for the American people. We can show them, once and for all, that we can work together across the aisle. We can show them that we can do something to move our country toward more energy security, because most Americans understand that energy security is paramount and is, in effect, our national security.

This bill that we're going to bring up under the motion to recommit will create a million new jobs here in America. And with all the talk about a stimulus bill, the greatest stimulus we could give our economy is to create a million new jobs, lower the cost of gasoline, lower the cost of heating oil, lower the cost of energy that will actually even create more American manufacturing jobs.

The question is, do we have the courage to do the right thing? Do we have the courage of our own convictions about doing what we know that we have to do as a country to move ourselves toward more energy security? Or are we going to show our constituents that, once again, Congress is up there playing political games with our future?

It's the American people. It's their jobs. It's their budget. It's their concerns. They send us here to represent their interests, and it's about damn time that we represent their interests. And by voting for the motion to recommit tonight we can show them that we're working in a bipartisan fashion on their behalf.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would once again remind Members not to traffic the well while another Member is speaking. While the distinguished minority leader was speaking, another Member crossed across the well. That is not supposed to happen, and the Chair would ask all Members to remember that and honor it in the future.

Mr. RAHALL. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, my colleagues on both sides of the aisle, this has been a good debate that we've conducted today. It's been a debate that as we've heard for several months over the last time period in this body, we've had extensive debates in the House over the energy issue. We've had it on the House floor during consideration of various energy bills. We've had the debate during 1-minutes. We've had it during Special Orders. We've had it on bills that we've considered that have had nothing to do with energy, and we've even had a debate when the House was not in session.

We've heard repeatedly that the Republican Members want a straight up-or-down vote. That's what we're giving them by this rule today, and we're about to near that point.

It's regrettable that oftentimes the debate today has used the words hoax, sham, bait and switch, not serious, political gains, and I could go on and on about the venom that has been spewed from the other side. When it comes to political games and the bait and switch tactics that we've been alleged to be employing, I would say what is wrong when we're trying to represent the crying need and the desperate need of the American people.

We are politicians in this body. We know what the art of compromise is all about, or at least we should know what the art of compromise is all about. We know the diversity that exists within both sides, both caucuses in this body, and the diversity that exists among the American people. But we all are united. We all are united in trying to resolve the crying need that the American people are telling us today needs to be addressed.

This bill has worked with both sides of the aisle. In working with Representatives ABERCROMBIE and PETERSON, that has been working with the other side of the aisle.

We have also taken a lot of this language, not a lot of it, but elements of this proposal come from the so-called Senate Gang of 10 or 15, however many it is from the other body. Those that say this is dead on arrival over there, I think, are a little premature in their predictions.

In working with my colleagues that are cosponsors, Representative GENE GREEN, Representative GEORGE MILLER and Representative JOHN DINGELL, we have certainly reached out. Speaker PELOSI has been tremendous in her of efforts, and as well as the leadership of STENY HOYER, JIM CLYBURN, CHRIS VAN HOLLEN and RAHM EMANUEL, and I certainly want to thank each and every one of them.

Charges have been made today that this bill does nothing to increase energy production. Indeed, the minority leader just said that. And I want to quote, by the way, in an August 2005 debate on this floor, when Minority Leader JOHN BOEHNER said that the GOP energy bill, remember that bill, the GOP energy bill of 2005 would bring down prices, writing, and I quote from Minority Leader BOEHNER at that time. ''So what is being done to bring gas prices down? The Energy Policy Act of 2005 is a balanced bipartisan bill that will ultimately lower energy prices for consumers and spur our economy.'' End quote from Minority Leader JOHN BOEHNER addressing our energy concerns on August 19 of 2005.

The results speak for themselves. This legislation will increase domestic production of oil and gas. The offshore drilling provisions opened up from 63 to 80 percent. That's 309 up to 404 million acres of land off the Atlantic and Pacific coasts that are currently off limits to drilling. It depends, of course, on what the States decide. It goes beyond the bipartisan compromise proposal in the Senate, opening up the West Coast and the Northeast to drilling.

The offshore drilling provisions expands oil available by at least 2 billion barrels of oil, nearly 4 years worth of oil produced offshore in America and enough to power 1 million cars for 60 years. It also makes available enough natural gas to heat 6 million homes for over 42 years.

Now am I going to sit here and say that passage of this legislation is going to bring down the price of gas tomorrow or next month or next year? No, I'm not going to say that; just as the other side cannot say, no matter what is in their recommittal motion, that is not going to bring down the price of gas tomorrow, next month or next year either.

We need a comprehensive energy plan. This bipartisan effort, this, as we will see by the final vote on this bill, shows that we are making efforts to begin the road toward a comprehensive energy package. We have provisions in here for carbon mitigation, for carbon capture and sequestration for those who say there's no coal.

We provide $1.1 billion of tax credits for the creation of advanced coal electricity projects and certain coal gasification projects that demonstrate the greatest potential for carbon capture and sequestration. Of these $1.1 billion of incentives, $950 million would be awarded to advance electricity projects and $150 million would be awarded to

certain coal gasification projects. Coming from a coal State, as I do, this provision is important.

We also provide for the solvency for the Black Lung Disability Trust Fund in this legislation, something that is not inconsequential to those from coal States as well.

On the revenue sharing point, we have not provided for revenue sharing in this bill because these are the people's resources. These are the resources that belong to the American people by birthright and, therefore, the money gained through royalties should be shared with the American people, and revenue sharing is not a commonly accepted method of providing the revenues from royalty collection. I refer to the OCS legislation passed in 1954 which provided for no revenue sharing.

The only time Congress has provided for revenue sharing from these royalty leases is, as I said earlier, during Hurricane Katrina when the four States involved were in dire need of help to get back on their feet. So revenue sharing is not provided in this bill because we do not think a bribe is necessary for the States to opt in. The offer of new jobs, a new economy and all the related businesses thereto should be enough for a State if they want to opt in to this program to provide them incentives to opt in.

In regard to the fiasco that's recently been revealed to the American people, what has taken place in the Office of the Minerals Management Service in their Denver office, these are public servants entrusted with fiduciary responsibilities of ensuring that the American people receive a just return for the use of their resources.

This legislation sets up ethical codes of conduct. It prohibits acceptance of gifts and ski vacations and other extravaganzas that were being heaped upon these royalty collectors by big oil companies. This Committee on Natural Resources will have a hearing next Thursday and delve further into these hearings to see how much the American taxpayers were, once again, ripped off by the big oil companies.

In conclusion, Mr. Speaker, let me comment generally about this bill and the need to pass it this evening. It is a real comprehensive effort based on the need to move toward a comprehensive energy bill. Are we all happy with this? No.

As I said earlier, we are legislators. We know what the art of compromise is, and we know that this is a compromise between the ''no drillers anywhere'' and the ''drill everywherers.'' That's what this bill is all about.

We cannot have opening all lands, all of our national monuments and other areas in this country to drilling and be fair with the American people. We must assure accountability. That's what we're doing with this legislation. As with all compromises, it does require both sides to give. And in return for a responsible opening of more of our offshore areas for drilling, our bill requires oil companies to pay their fair share so that we can make a historic commitment to renewable energy future and alternative fuels and jobs for our people.

This bill puts us on the path toward energy independence. It protects our consumers. It provides transparency and accountability for the big oil companies. It strengthens our national security, it helps reduce global warming, the goals and the key ingredients that are needed for a comprehensive national strategy.

And I say to my colleagues, let's look forward of where this bill can go provided that there is that spirit of compromise from the other side, from the other body and from the other end of Pennsylvania Avenue. And I think, when all is said at the end of the day, rather than shut the government down, we will see that those in the middle, those who truly feel compromise is part of the legislative process, that compromise is what the American people are yearning for these days, in order to meet their high energy costs, that that is where we will be when all is said and done on the pending bill.

Again, I want to salute all of my colleagues that have worked so hard on this legislation on both sides of the aisle. I do not ignore the fact that there are certainly good-minded and fair-minded and compromise-minded individuals on the other side of the aisle. If only they were allowed to work their will as well.

So this is a good bill. I again salute everybody that has been involved, and I ask for its passage and a defeat of the motion to recommit.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 6899, and I thank Speaker PELOSI for bringing it to the floor today.

This Democratic energy plan increases domestic energy supply, ensures more renewable energy and greater energy efficiency, and protects the American taxpayers by making sure that Big Oil pays their fair share of royalties.

It takes strong action to lower the price at the pump, free our nation from its reliance on foreign oil, and create good-paying, green collar jobs right here in America.

Quite simply, it is the American-owned, 21st century energy policy the country has been waiting for.

My Republican counterparts have been advocating a ''drill, baby, drill'' approach, which supports any drilling, any where, any time, no matter the environmental consequences.

Instead, H.R. 6899 offers a responsible compromise on drilling, with strong environmental protections.

We don't need ''drill, baby, drill' when we can have ''change-baby-change.''

That's what this bill gives us.

Mr. GOODLATTE. Mr. Speaker, during the month of August I was pleased to join over 130 of my Republican colleagues in Washington to represent the American people on the floor of this House. It is undeniable that the American people want us to develop our Nation's resources. This is demonstrated in poll after poll and exemplified with the meetings I have with my constituents. I always hear: Congressman, we must do something about energy costs!

When I heard that the Speaker had announced she would be bringing a bill to the floor to allow us to expand energy production, I felt that we had achieved success for the American people. Yes, the Speaker did hear the calls of the American people demanding increased energy production, but she isn't bringing a bill to the floor to expand energy production. Instead, she is bringing to the floor a sham piece of legislation that seeks to only give political cover to vulnerable Democrats who disagree with the will of the American people.

Some have cited how this bill opens up areas of the Outer Continental Shelf, OCS. It may technically remove some of the barriers, but it does not include provisions to provide the traditional revenue sharing between the Federal Government and States for the income generated from these developments. What incentive do coastal States have to then develop their resources? I represent a coastal State, a State that has expressed strong interest in developing the resources on our OCS. I think the Commonwealth of Virginia should benefit from revenue sharing, just as Texas, Louisiana, Mississippi, and Alabama have. It is unfair for Virginia to be treated differently than these other States when sharing our resources.

Sadly, this isn't the only provision that will unfairly harm Virginia. This legislation also contains a one-size-fits-all Renewable Electric Standard. This legislation assumes that all States have the exact same amount of renewable resources and can develop them, and punishes them when they cannot with penalties. The costs of energy due to the Renewable Electric Standard, as estimated by just one of Virginia's many electric utilities, will increase $900 million for its retail customers. My constituents are already paying high prices for energy; we don't need to further increase these costs! The fact is Virginia does not have as many wind and solar resources as other states. In Virginia, we have a voluntary RPS but our RPS contains nuclear and waste-to-energy, two things not allowed if this legislation becomes law.

Proponents of this legislation will tout how green this bill is; however, if my colleagues really want to promote green energy they should encourage the production of more nuclear sites which provide CO_2 emission-free energy. The rest of the world is far outpacing the U.S. in its commitment to clean nuclear energy. We generate only 20 percent of our energy from this clean energy, when other countries can generate about 80 percent of their electricity needs through nuclear. It is a travesty that this legislation does not once mention or encourage the construction of clean and reliable nuclear plants. Nuclear energy is the most reliable and advanced of any renewable energy technology, and if we are serious about encouraging CO_2-free energy use, we must support nuclear energy.

Furthermore, this legislation does not even address some of our most promising domestic alternative and renewable energy supplies. There is not one thing in this bill that addresses clean coal technologies. Coal is one of our Nation's most abundant resources, yet the development of coal-to-liquid technologies is completely ignored by this bill.

What's even more troubling is the energy resources this bill continues to keep out of the hands of American consumers. The Democrats' legislation prohibits environmentally responsible exploration of American oil shale resources unless states ''opt-in'' to such a system and the bill does not allow local communities to share in the revenues generated from oil shale exploration. The Department of Energy estimates that 2 trillion barrels of oil shale exists within the United States, resources that the Majority does not seem to want to develop.

Furthermore, this legislation does not permit responsible exploration of the Arctic National Wildlife Refuge, known as ANWR, in Alaska. According to estimates by the U.S. Geological Survey, ANWR holds between 5.7 and 16 billion barrels of recoverable reserves, potentially producing nearly a million barrels of oil a day. Exploration and development in ANWR would open only 2,000 of the 19 million acres of the refuge, or the equivalent of an area one-fifth the size of Dulles Airport in an area the size of South Carolina.

This legislation does nothing to address the energy concerns of our country. This legislation only makes the situation worse and it is the product of a flawed process that does not have bipartisan support! If we really want to make our country energy independent, this Congress must pass an energy bill that allows and encourages the development of our Nation's resources. Americans are tired of Congress playing politics when they are in desperate need of relief from high energy costs. It is time for Congress to get serious and allow Americans increased access to their energy resources.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 6899, the ''Comprehensive American Energy Security and Consumer Protection Act''. This bill promotes energy savings for all Americans and advances the national security interests of the United States by reducing its dependence on oil.

In particular, I am pleased that this bill incorporates H.R. 6052, the ''Saving Energy Through Public Transportation Act of 2008'', which the House passed by a vote of 322–98 on June 26, 2008. The Committee on Transportation and Infrastructure also included these provisions in last year's House-passed energy bill, but unfortunately, they did not become law. At that time, decreasing America's demand for foreign oil was often lost in the debate, overshadowed by concerns over increasing our supply. But decreasing demand is one of the most immediate and effective ways we can deal with the high cost of gas and move America toward greater energy independence.

Americans understand this. They are riding transit more and driving less. Public transportation all across the country is seeing record ridership while the number of miles traveled in personal automobiles is falling. Last year, Americans took more than 10.3 billion trips on public transportation, the highest level in 50 years. In the second quarter of 2008, commuters took more than 2.8 billion transit trips nationwide, an increase of 5.2 percent. Meanwhile, use of personal automobiles is falling by record numbers when measured by vehicle-miles traveled, VMT. In fact, much of the recent drop in both crude oil and gasoline prices has been due to a reduction in demand.

People are making these choices based not only on the high price of gas, but also because of a very real desire to wean our country off our dangerous addiction to imported oil. At current rates, that means a saving of 1.4 billion gallons of gas a year, or 33.5 million barrels of oil. As transit ridership continues to grow, we can expect even greater reductions in oil consumption and demand. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United.States could reduce its dependence on imported oil by more than 40 percent. This ''mode shift'' to transit should be a national goal, and strategies to achieve it should be at the forefront of any well-rounded energy debate.

Unfortunately, this lesson appears to be lost on the Bush administration. Although voters continue to approve state and local ballot initiatives to support public transportation, the administration has opposed increased funding for transit to help public transit agencies keep pace with the rising costs of fuel and the demand for more transit service. In fact, by stressing the need for new transit projects to meet ''cost-effectiveness'' benchmarks above all other criteria, the administration has stunted or stifled altogether much needed growth in transit. And this short-sightedness couldn't be happening at a worse time.

According to a recent study by the American Public Transportation Association, 85 percent of public transit systems nationwide are experiencing capacity problems due to the unprecedented rise in ridership. The survey revealed that 91 percent of public transit agencies report that they are reaching the limit in their ability to add service to meet increasing ridership demands. Further, more than 60 percent of the transit systems report they are considering fare increases and 35 percent are considering service cuts, some for the second time in less than a year.

Just as high gas prices and the desire to use less foreign oil are inspiring more Americans to take the train or bus to work rather than drive alone, our Nation's public transportation systems are facing budgetary nightmares and high fuel prices of their own that may cause them to be unable to meet any further growth in transit ridership. This bill recognizes the importance of funding public transportation to further our energy savings and security goals.

Specifically, H.R. 6899 authorizes $1.7 billion over two years for grants to transit agencies nationwide to temporarily reduce fares, expand services, or offset the increased cost of system and fleet maintenance to meet the needs of the growing number of transit commuters.

It also allows transit agencies to use these new grants to offset the increased cost of fuel or to acquire clean fuel or alternative fuel vehicle-related equipment or facilities. In addition, transit agencies may use these grants to establish or expand ''commuter matching services'', to provide commuters with information about alternatives to single occupancy vehicle use.

H.R. 6899 increases to 100 percent the Federal share for clean fuel and alternative-fuel transit bus, ferry, or locomotive-related equipment or facilities, thereby assisting transit agencies in becoming more fuel efficient.

This legislation extends the Federal transit pass benefits program to require that all Federal agencies offer transit passes to Federal employees working in metropolitan areas with existing transit systems throughout the United States. Current law limits this program to Federal agencies in the Washington, DC, metropolitan region. This provision will provide more Federal employees with the incentives to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

Finally, H.R. 6899 creates a national consumer awareness program to educate the public on the environmental benefits of public transportation alternatives to the use of single occupancy vehicles.

Mr. Speaker, public transportation in all its forms—buses, light rail, subways, to name a few—saves fuel and reduces our dependence on foreign oil. Increasing the use of public transportation by providing Americans the good transit service they want and need must be an important part of a holistic national energy policy.

I strongly urge my colleagues to join me in supporting H.R. 6899.

Mr. MARKEY. Mr. Speaker, I rise in strong support of this bill.

This energy bill is truly a comprehensive energy plan. I commend the great work of the gentleman from West Virginia, Chairman RAHALL, and Chairman DINGELL and Chairman MILLER in crafting this balanced legislation. I also want to commend Speaker PELOSI and Majority Leader HOYER for their leadership in pulling together what is truly a bipartisan approach that Members from all regions should be able to support.

The Republican leadership says that they want an ''all of the above'' energy plan. Well, today we get to see if they are serious, or if they have simply been playing politics. This energy bill is a comprehensive energy package that will protect consumers, unleash the renewable energy revolution, increase energy efficiency and conservation and even expand areas for domestic oil production.

While the Republican leadership and the Bush administration have said that they want ''all of the above,'' for the 6 years that they controlled the White House, the House and Senate, they did almost nothing to increase our use of renewable energy and energy efficiency. For 8 years, the two oil men in the White House crafted an energy policy that put the interests of the American Petroleum Institute over the American people, and consumers are now paying the price at the pump for that failed fossil fuel agenda.

One of the first actions the Bush administration took in 2001 after entering the White House was to convene the secret Cheney Energy Task Force to meet with executives from the oil industry and craft an energy policy. Then the Bush administration and the Republican Congress passed an energy bill in 2005 that gave billions of dollars to the oil and gas industries while nickel-and-diming renewables.

And in this Congress, the Republican leadership has followed the marching orders of the Bush administration and voted 13 times to block legislation that Democrats have brought to the floor to increase our use of renewable energy, help protect consumers from high energy prices and ensure that big oil pays its fair share. While the Republican leadership says they want ''all of the above'' they have repeatedly chosen ''none of the above'' and voted against these measures. But here they are

today, crying crocodile tears that all these policies that they have spent their entire career opposing have not been implemented.

The Republican leadership says they want ''all of the above,'' but here they are today, once again opposing a truly comprehensive, compromise energy bill that will not only increase our use of renewable energy but will also provide for more drilling. Perhaps that's because it's not ''all of the above'' that the Republican leadership and big oil are really concerned with, it's really only ''all that's below''—all the oil that's below our beaches 3 miles offshore, all the oil the below our national parks, all the oil that's below our most pristine wilderness areas.

The comprehensive energy bill that we are considering today will build on last year's tremendous energy bill accomplishment. This bill will adopt a National Renewable Electricity standard to require that 15 percent of the electricity that we generate in 2020 come from renewable sources and efficiency and will create 100,000 jobs. By further increasing the efficiency of our buildings, this comprehensive energy bill will save consumers $200 billion on energy costs. This comprehensive plan will extend the vital tax incentives for solar, wind and other renewables, and ensure that they are paid for, which will prevent the loss of $19 billion in investment and 116,000 jobs next year in these industries. And this comprehensive plan will protect more than 5 million Americans from an impending home heating crisis and an increase in the heating bill of the average family of nearly $600 this winter by funding the Low-Income Home Energy Assistance Program.

And the Republicans say they want more offshore drilling, well this bill does that. I remain skeptical that additional offshore drilling will do anything to lower prices but this compromise bill ensures that there will be proper protections for Georges Bank off the coast of New England, which is one of our Nation's most important fisheries, and that if we are going to open more areas to drilling we first ensure that big oil cannot continue to drill for free on public land and reap billions of dollars in unnecessary tax breaks at a time when they are making record profits. With the renewable energy revolution that we will unleash with this bill it will make any additional drilling unnecessary in 20 years.

The comprehensive energy bill that we are considering today, combined with the energy bill that Democrats passed in December, means that Democrats in the 110th will have passed energy bills that achieve one-third of the reductions in global warming pollution needed by 2030 to save the planet and eliminate nearly twice the oil we currently import from the Persian Gulf.

After 8 years of running on a Bush-Cheney-Big Oil energy plan, America, it is time for an oil change! It's time to change our dependence on foreign oil and OPEC. It's time to change from the dirty fossil fuels of the past to the renewable energies of the future. It's time to change to invest in wind and solar. It's time to change to start building green to save families money. The Republicans like to say ''drill, baby, drill,'' but for our Nation's energy policy the American public is saying it's high time we started saying ''change, baby, change.''

Vote ''aye.'' Vote for change.

Mr. STARK. Mr. Speaker, I rise today to support a comprehensive energy bill, H.R. 6899, that will help to end our addiction to foreign oil and will move our Nation toward a clean energy economy.

For nearly 8 years, we have seen the consequences of policies made by an administration that was literally ''in bed'' with the oil companies, as evidenced by the recent scandal at the Mineral Management Service, MMS. Profits for Exxon-Mobil and others are setting records, while family budgets are stretched to the breaking point by high energy prices. Rather than putting forth real solutions, the President and his congressional Republican enablers have offered a regressive plan and a slick political slogan that amounts to more giveaways to oil companies with nothing that will lower prices in the short-term or move our Nation away from fossil fuel dependence in the long-term.

The Democratic Congress, in contrast, has already passed legislation, H.R. 6, to raise fuel economy standards to 35 mpg by 2020—the first increase in a generation. Reaching the 35 mpg threshold will save 1.1 million barrels of oil per day, more than 10 times the amount of oil that offshore drilling will be producing in 2020. By 2030, we will be saving 2.5 million barrels a day, or the same amount that we import from the Persian Gulf. That is a real solution.

I agree with the Department of Energy's assessment that expanded drilling will only reduce prices at the pump by 3 or 4 cents and not for another 10 years in the future. However, I support the legislation before us today because it represents a commonsense compromise on drilling that protects the environment and allows individual States to decide whether drilling off their coasts is appropriate.

But this legislation is about much more than drilling. It is a comprehensive plan that takes steps to lower gas prices in the near term by releasing oil from the Strategic Petroleum Reserve and fully funding energy assistance programs so families can heat and cool their homes. It reigns in the excesses of oil companies and ensures that they pay their fair share back to the taxpayer when they drill on public lands. Accountability will be restored to the scandal plagued MMS by enacting tough new laws with criminal penalties for MMS employees who engage in unethical behavior with the very oil companies they are charged with regulating.

Finally, this bill ends our dangerous reliance on fossil fuels and confronts global warming. This legislation establishes a Renewable Portfolio Standard that will mandate 15 percent of electricity to be generated from renewable sources by 2020, lowering the demand for coal and other dirty fuels. It makes an $850 million yearly investment in public transportation so that cities and States can expand services. In addition, the legislation will provide incentives for the production of renewable energy and will modernize energy efficiency codes for buildings.

The Comprehensive American Energy Security and Consumer Protection Act is a real solution to America's energy needs. It may not satisfy the ''drill, baby, drill'' crowd, but after suffering through their failed policies for the last 8 years their slogans are little more than hot air.

I urge all of my colleagues to support this legislation.

Mr. CARSON. Mr. Speaker, the American people are hurting and in need of immediate relief. And the relief they need extends beyond their urgent need for lower energy costs. Mr. Speaker, the American people also need jobs and they need them now.

And I am proud to say that this bill seeks to achieve both—it seeks to lower energy costs and create jobs. This legislation will create several green jobs by providing tax incentives to companies that invest in renewable energy resources.

The creation of green jobs was the focus of a forum I recently hosted in my district. For too many years, hardworking Hoosiers have seen good-paying manufacturing jobs leave the great State of Indiana. Through the creation of green jobs, this bill will boost our economic performance and lessen our dependence on foreign oil.

I am proud to support this legislation.

Mr. THORNBERRY. Mr. Speaker, the approval ratings for Congress are at record lows, and it is no wonder. The American people see that too often this Congress has played partisan games rather than confronting the issues head-on in a straightforward way. Today the games continue.

The Democrats' Energy Bill is a fig leaf designed to cover a political problem. It is not real. Rather than untie our hands so we can produce more energy of all kinds here at home, in many ways this bill makes it harder.

In several important areas of energy production, this bill does nothing.

This bill does nothing to develop more nuclear energy.

This bill does nothing to build more refineries.

This bill extends the wind tax credit by only 1 year, but does nothing to make it easier to plan and finance the large investments that are necessary to build wind farms.

Even on drilling off our coasts, this bill replaces a temporary ban that will expire 2 weeks from today and with a permanent ban on exploring and producing where most of the oil is. It prohibits all drilling within 50 miles of the coast line, where the Minerals Management Service says 88 percent of the oil is located.

From 50 to 100 miles, States can choose to drill, but get no royalty payments—none. So there is little incentive for them to allow drilling even for the 12 percent of the oil that may be there.

Drilling can occur more than 100 miles away—which is technologically impossible in some areas. But even where it is possible, this very same bill repeals the existing tax incentives which encourage deep water drilling.

Of course, should a new drilling opportunity slip through these new regulations and restrictions, lawsuits are ready and waiting to shut it down, and this bill does nothing to limit them.

There are many good, serious energy proposals that have been introduced in this Congress. Over a year ago, for example, I introduced the ''No More Excuses Energy Act,'' a bill that would encourage energy production of all kinds here at home. Unfortunately, the legislation that we are discussing today is just another excuse not to take real action to solve our energy shortfalls.

It hardly seems too much to ask to allow this House 2 or 3 days to go through the various ideas, allowing members to vote according to their districts and their consciences. Energy is that important, that central to our country's security and quality of life. Instead, this

charade will disappoint the American people yet again on the issue that most directly affects their family and well-being. We can and should do better.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Comprehensive American Energy Security and Consumer Protection Act, and I would like to thank the Democratic Leadership of the House of Representatives for bringing this critical bill to the floor. In my home State of Rhode Island, the high cost of oil and gas have become the top concern for families and businesses struggling to keep up in today's economy. This legislation promotes short term solutions to increase supply of domestic oil and gas, while establishing a long term national energy policy that invests in the development of renewable energy resources.

This legislation will open the Outer Continental Shelf to responsible oil and gas development between 50 and 200 miles off the coast, requiring state approval between 50 and 100 miles. It will protect national marine monuments and sanctuaries, as well as the Georges Bank fishing area off the coast of New England. Further, the Interior Department will be required to ensure that drilling is only approved if it can be done in a manner that protects the coastal environment, marine environment, and human environment of the State coastal areas and the Outer Continental Shelf. We cannot sacrifice the health of our coastlines and the people who live there, and I am pleased that this bill takes a safe and responsible approach to domestic drilling.

While I support the provisions to increase domestic oil production, I have said time and time again that we cannot drill our way out of our national energy crisis. The U.S. represents 25 percent of the world's daily oil consumption, yet we only have two percent of the world's reserves—relying solely on new production simply doesn't add up. Under this bill, revenue from domestic offshore production will be reinvested into the development of renewable energy resources, such as wind, solar, and bio-fuels, to bring clean, affordable solutions to our Nation. I also strongly support a provision in this bill to require electric power companies to produce at least 15 percent of their electricity from renewable sources by 2020. Furthermore, the legislation includes several proposals requiring the Department of Energy and Department of Housing and Urban Development to create new efficiency standards for both residential and commercial buildings and to help educate consumers on how to become more energy efficient, therefore limiting our demand for foreign oil.

I am also pleased to see tax credits included for the promotion of more energy efficient appliances and vehicles. Increased demand for green products will bring new jobs in green technology to our communities. Further, because this bill rolls back tax breaks to big oil and uses revenues from drilling to pay for the increased investment into renewable resources, we will not leave debt behind to be paid for by future generations.

I believe that it is critical for our nation to achieve energy independence and to end our reliance on foreign oil, while preserving our environment for future generations in a fiscally responsible manner. The Comprehensive American Energy Security and Consumer Protection Act reaches a careful balance in support of these efforts, and I am pleased that this Congress is putting the safety and security of our Nation's families ahead of excessive industry profits. I urge my colleagues to join me in support of energy independence by voting yes on the Comprehensive American Energy Security and Consumer Protection Act.

Ms. HARMAN. Mr. Speaker, I rise in support of the Comprehensive American Energy Security and Consumer Protection Act, but as a Representative of America's most stunning coastline, I do so with some reservations.

There is much to like in this bill. It includes long-sought alternative energy tax credits, which are essential to the continued development of the emerging clean energy industry.

It also requires utility companies to generate more power from renewable energy sources (following the lead of my home State of California), creates a reserve to pay for future research and development of clean renewable energy and energy efficiency technologies, and requires the adoption of more energy efficient building codes.

These are all serious, much-needed answers to our energy crisis—reasoned, carefully crafted, and targeted toward moving us into a new era of clean energy.

That is not, unfortunately, the path pursued in other parts of the bill, particularly those that concern off-shore drilling.

We've heard a lot about drilling these days. ''Drill, baby, drill,'' or so the chant goes. It's a nice pep rally cheer, a clever soundbite. But it's not serious policy, and everybody knows it.

Here are the facts. Oil is traded on a global market, which sets prices based on global supply and global demand.

Given the staggering amounts of oil that the world produces and consumes every day, only a staggering amount of new supply will affect price (particularly given the skyrocketing demand for oil in China, India, and the rest of the developing world).

The amount of oil off the coasts of the United States is very far from staggering. Paltry is more like it.

According to the Bush Administration's own Energy Information Administration, even if we opened the entire Outer Continental Shelf for drilling tomorrow, it would take years (possibly up to 2030) for that oil to hit the market.

And then, all that drilling would only increase our domestic production by 200,000 barrels of oil per day.

The world consumes around 80 million barrels of oil per day. This new production would be a tiny drop in an ocean of oil.

Even the Bush Administration concedes that the impact on oil prices from such a minuscule increase would be, and I quote, ''insignificant.''

And what do we risk for this ''insignificant'' increase in supply?

A few oil companies will make a little more money. But we'll also put the (mostly) pristine California coastline—an environmentally fragile yet economically indispensible asset—at the mercies of chance, human fallibility, and the ability of new oil rig technology to withstand the inevitable big quake.

That's not a risk that I'm willing to take.

Fortunately I'm not alone. Leadership wisely gave states some discretion. The bill would forbid drilling within 50 miles of the coast, and only allow drilling from 50–100 miles if a state ''opts-in'' (affirmatively passes a law allowing drilling).

I am confident that California is unlikely to ever ''opt-in.''

My strong preference is to retain the moratorium against off-shore drilling, but we don't have the votes to do that. The Democratic Leadership asserts that this compromise is necessary to avoid the calamity of a drilling free-for-all off our coasts. Many in the environmental community and leading newspaper editorial boards in California and around the country concur.

In that case, I can live with it.

I wish we could do better. The American public is engaged. The media is devoting front-page articles to energy issues. We have the chance to make a significant difference in the way our country thinks about and uses energy.

Portions of this bill take big leaps in that direction, and Leadership should be commended for standing by these priorities.

I hope that my three grandchildren will eventually be the beneficiaries of this foresight.

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.R. 6899, the Comprehensive American Energy and Consumer Protection Act.

I appreciate the hard work that the sponsors of the bill—Chairmen DINGELL, RAHALL, and MILLER and my fellow Texan, Chairman GREEN—have put into crafting this legislation.

They considered different viewpoints and different approaches to the energy issue and came together in an inclusive manner that will lead us down the right path.

We have heard from our constituents, time and time again, that we need to become more energy independent and we need to produce more of our energy supply domestically.

We have heard from our constituents, time and time again, that we need to invest in the future and develop alternative energy resources, such as wind and solar power.

We have heard from our constituents, time and time again, that we need to provide tax credits so that our businesses have the incentive and opportunity to produce more energy.

And, we have heard from our constituents, time and time again, that we need to act on lowering the price at the pump, which is adversely affecting many south Texas families, farmers, and small businesses.

We can look forward to a balanced plan that expands both conventional and renewable energy resources. It will provide for new domestic drilling opportunities, both off shore and on land. It will release oil from the Strategic Petroleum Reserve. It will spur companies and businesses to do more research and more exploration. It reforms the way royalties are paid between the Government and the oil companies. It provides incentives to conserve our energy use and raise energy efficiency standards.

This legislation is a compromise. It directs us in the right direction towards energy independence. My colleagues have called for an all of the above approach when it comes to the energy issue. I believe we have accomplished that.

Mr. NEAL of Massachusetts. Mr. Speaker, as the House considers tax legislation to promote the development and deployment of alternative and renewable energy technologies, I rise today in support of the proposed plug-in electric drive motor vehicle tax credit and, in particular, making the tax credit even more robust and immediate by including in the credit road-certified two-wheel vehicles and low-

speed neighborhood electric vehicles. I support the underlying bill, but hope as it progresses that this clean energy incentive may also be included.

I know that House Ways and Means Committee Chairman RANGEL and the House Leadership are committed to renewing existing energy tax provisions and enacting new incentives for environmentally-friendly, domestic energy production. And I believe that the tax credit for plug-in electric drive vehicles is a critical component of that commitment. This tax credit will encourage the ongoing efforts to develop and bring to the marketplace the technology that will be necessary for these vehicles to become a common occurrence on our roads and highways. Tailpipe emissions from the combustion of gasoline and diesel fuel are by far the largest contributors to climate change and the air quality problems that exist in many regions of our country. This tax credit will go directly at addressing these issues by displacing foreign oil with electricity that is domestically produced with—it is my hope—a significant and growing renewable component.

The plug-in electric drive vehicle tax credit is so vital to our alternative and renewable energy priorities that it should begin working as soon as it is enacted, but it can only do so by expanding the credit to include both road-certified two-wheel vehicles and low-speed neighborhood electric vehicles, which are now in retail production. These vehicles are specifically designed to address the short-haul transportation needs of urban and suburban communities. Because the first mile of a trip creates the most tailpipe emissions, these vehicles can play an important and significant role in mitigating the unique contribution of urban and suburban transportation to our air quality and climate change problems.

If enacted, the plug-in electric drive motor vehicle tax credit will be an important element of our policy to encourage the development and deployment of alternatives to the consumption of foreign oil. As the manufacturers of electric drive two-wheel and low-speed vehicles already are demonstrating, this policy also has the added benefit of creating quality jobs here in the U.S.

While the technology for plug-in electric cars is still being developed, road-certified two-wheel vehicles and low-speed neighborhood electric vehicles can begin reducing our reliance on foreign oil today, and including these vehicles in the tax credit will help develop a consumer market for them, just as the credit will help create a market for plug-in electric automobiles and trucks that are expected to come on-line in a few years.

Again, I thank the Speaker and Chairman RANGEL for their important work on the critical issue of ensuring our Nation's energy security.

Mr. SHAYS. Mr. Speaker, this energy bill is a missed opportunity to have meaningful debate on America's energy needs and constructive compromise about America's energy solutions.

High energy costs are bringing down our economy; energy bought from overseas is depriving us of American jobs; and foreign purchases of energy is transferring $700 billion to countries that would do us harm.

I strongly believe in a comprehensive energy policy that includes conservation, renewable sources, nuclear power, and American oil and natural gas.

H.R. 6899 brings us closer, but is silent on several important issues. Regrettably, the authors of this bill have refused to allow members to make any amendments.

I am grateful this legislation encourages investment in renewable energy technologies by extending the production tax credit for wind, solar, geothermal and biomass. This measure provides the much-needed assurance that investors need to start developing these technologies.

I am also grateful H.R. 6899 would establish a Renewable Energy Standard, requiring electricity companies to produce 15 percent of their electricity from renewable sources by 2020, although I have advocated increasing this standard to 20 percent by 2020.

The bill also repeals the moratorium on drilling on the Outer Continental Shelf, OCS, and would allow states to "opt-in" to drill between 50 to 100 miles off of their coast. Unfortunately, without revenue sharing, I am concerned states will have little incentive to develop these resources.

I would have particularly liked to have seen revenues derived from these leases directed towards further renewable energy investment, so that American oil and natural gas would pay for the renewables we all want.

Although I will vote for this bill, I believe this is a missed opportunity for meaningful, bipartisan debate and a better bill.

Mr. RAMSTAD. Madam Speaker, I rise today in strong support of this bipartisan comprehensive energy bill that opens offshore areas to drilling, provides incentives for the development of renewable energy, clamps down on speculators and requires oil companies to drill on 69 million acres of leased land and water.

I oppose the alternative bill, which would give coastal states that support drilling over $40 billion from oil and gas royalties over the next 10 years. After 2019, the federal government would be required to transfer to coastal states nearly 40 percent of all federal revenues from offshore oil and gas drilling ($6 billion every year).

Even the Administration has told us that such a cost would be too high!

We should not hand coastal states billions of federal dollars, while giving them undue influence over national resource management. And, despite its cost, the alternative plan would do little to increase the supply or reduce the price of oil, according to the Department of Energy.

Congress should debate offshore drilling on its own merits without using resource revenues to buy votes. Our nation needs a comprehensive energy reform policy that will boost supplies of all types of energy, reduce our dependence on foreign oil and lower gas prices. The American people deserve nothing less!

Mr. UDALL of Colorado. Mr. Speaker, I support this legislation that will help provide price relief for American families, open up new areas for domestic energy production, and assist us to make the transition to a new energy economy that will reduce our dependence on imported oil—all without adding to the federal deficit.

While this bill is not perfect—I would prefer to see the more comprehensive approach embodied in my "American Innovation, American Energy" plan—it is a step in the right direction and deserves approval.

It will help us address gas prices in the short term by including a provision (as does my energy bill) to release additional oil from the Strategic Petroleum Reserve (SPR). This release would provide for a quick increase in the supply of petroleum in our consumer market and so could reduce the likelihood of further short-term increases in the price of gasoline and other refined products. And, it will do this in a way that is both cost-effective and protective of our national security interests.

Under the bill, the Energy Department (DOE) would sell at least 20 million barrels of light grade oil now stored in the Strategic Petroleum Reserve, and sales would continue for 6 months or until 70 million barrels have been sold, whichever comes first. But the drawdown would not be permanent because the bill would require the energy department to acquire, through purchase (using money from the sales) or exchange, heavy grade petroleum for storage in the strategic reserve, to replace the light grade petroleum that would be sold.

Right now, slightly more than 700 million barrels of oil are stored in the strategic reserve—so the amount to be sold under the bill would be only about 10 percent of the amount on hand.

Importantly, the bill specifies that the amount of oil stored in the strategic reserve could not drop below 90 percent of the amount stored when the bill is enacted. The most recent data I have seen indicate that the reserve is currently filled nearly to capacity, so the bill will not cause a significant reduction in the amount stored.

Furthermore, this bill will help diversify the type of oil in the SPR, meaning that this bill not only is compatible with the national security purposes of the SPR, it can actually assist in achieving them.

This bill will also require that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999. Because of mistakes made by the Interior Department, oil companies holding 70 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became exempt from paying any royalties, costing American taxpayers about $15 billion.

And the bill will address the recently discovered ethical problems within the Department of Interior's Mineral Management Service (MMS)—problems that were particularly rampant at the MMS office in Denver.

Numerous government employees were found to have very inappropriate relationships with employees who worked for the very companies they were regulating. This bill will increase penalties for both MMS employees and companies that hold oil or gas leases, strengthen the MMS code of ethics, and strengthen the office of the Inspector General, which uncovered these problems.

But, Mr. Speaker, this bill recognizes that short-term solutions and fixing past problems are no "silver bullets" for the factors that have led to the current high price of oil and products such as gasoline that are made from oil. We need long-term solutions as well.

This bill includes opening up new areas of the Outer Continental Shelf (OCS) to oil and gas drilling. Specifically, the bill would end the current moratorium on OCS drilling and would permit leasing between 50 and 100 miles offshore if a State "opts-in" to allow it off of their coast, while providing protection for environmentally sensitive areas. I think that is a critical component of this provision—states must be able to have a say in drilling activity within their territory.

A separate provision in the bill deals with Federal lands that have been leased for energy exploration and development under the Mineral Leasing Act but where such activities have not yet occurred—yet another provision that is also in my energy plan. While it is important to understand the reality that oil and gas exploration is a complicated commercial and scientific enterprise involving efforts not easily fitting within strict regulatory timelines, I think that this is a reasonable response to current conditions. In essence, it would bar the current holders of federal mineral leases—whether for onshore or offshore areas—from obtaining additional leases unless they are able to show that they are ''diligently developing'' the leases they already hold. The Secretary of the Interior would be responsible for spelling out in regulations exactly what would be needed to show such ''due diligence.''

These provisions also include a requirement for the Department of the Interior to offer at least one lease sale annually in the National Petroleum Reserve in Alaska. This is an area of well-established potential that was initially made available for leasing in the Clinton Administration, and with regard to which the current Administration just today announced that 2.6 million acres would be offered at lease sales in the near future. Dictating a leasing timetable in legislation is unusual, and I have reservations about that approach—but the potentially beneficial effects on prices from tapping the reserves in this part of Alaska are undeniable.

In addition, the bill would reinstate a ban on the export of Alaskan oil that was previously a matter of federal law. Oil is a globally-traded commodity, so the effect of this will be limited, but it to an extent might reduce the extent to which imports are used to supply the domestic market.

And the bill calls on the President to use the powers of his office to facilitate the completion of oil pipelines into the National Petroleum Reserve and to facilitate the construction of an Alaska natural gas pipeline to the continental United States to move the product to market. These are only exhortations, but I see no objection to their inclusion in the legislation.

I am particularly pleased that the measure before contains a provision that I authored, along with Representatives TOM UDALL and TODD PLATTS, to establish a Renewable Electricity Standard (RES). This provision will require utilities to acquire 15 percent of electricity production from renewable resources by 2020. While I would prefer to see us adopt a RES of 20 percent by 2020, as we have in Colorado and as is in my energy plan, establishing a 15 percent by 2020 is a good step in the right direction.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the bill include needed extension for tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a three year extension of the PTC for most renewable energy sources, I am concerned that it only provides a one-year extension for wind energy. Wind is a very promising renewable energy source and a one year extension will not be as helpful for the industry. I will continue to lead the fight to extend the PTC for more than one year in fact, my energy plan includes a four year extension of the PTC for all renewable energy sources.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines for eight years. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

The bill also authorizes new clean renewable energy bonds (CREBS) for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

Of course, the cheapest kilowatt of energy is the one you don't use and energy efficiency also has a key role in addressing our energy needs. This bill will provide incentives to lenders and financial institutions, including the Federal Housing Administration, to provide lower interest loans and other benefits to consumers who build, buy or remodel their homes to improve their energy efficiency. It will also establish a residential energy efficiency block grant program to improve the energy efficiency of housing.

Transportation is another area of high energy use and public transportation is becoming more and more necessary as gas prices continue to rise. This bill establishes $1.7 billion in grants to transit agencies for the next two years, which will help reduce transit fares for commuter rail and buses and expands service.

While I would like to see much more for transportation, such as the increase in vehicle efficiency and additional advancements in alternative fuels that are included in my energy plan, this public transportation provision is a good start.

I maintain strong reservations about the pace at which this Administration is pursuing oil shale development in Western Colorado. Before commercial leasing occurs, we need to know more about oil shale development's impacts on water and local communities.

Until those questions are answered, I do not believe that the federal government should rush ahead with oil shale leasing and I therefore have been fighting, with my colleague Representative JOHN SALAZAR, to ensure that the necessary research and development can be completed before we move ahead. I have also been fighting to ensure that the State of Colorado has a voice in the development of oil shale, so that the wisdom of Westerners can help us avoid the pitfalls that have sunk oil shale development in the past.

At the end of this month, the moratorium on commercial oil shale leasing is scheduled to expire. In the event it does, I believe that the state of Colorado should have a safety valve so that it can determine the pace of oil shale development within its borders. Section 171 of the energy bill currently before the House aims to create that safety valve, and to ensure that regardless of the Administration's desire to rush ahead with oil shale development at all costs, Colorado and other states can control the pace of development.

In conclusion, Mr. Speaker, I think this bill deserves support. But it certainly is not all that is needed in terms of energy policy. We need to do more.

I think we need to look at increasing mileage standards for new cars and trucks. Specifically, I believe we have the technology to require that all new vehicles achieve 35 miles per gallon by 2015 and, with additional American innovation, we can achieve 50 miles per gallon by 2030. I also think we need additional incentives for Americans to purchase high efficiency vehicles and for manufactures to produce many vehicles that use alternative fuels. And we need to aggressively pursue development of alternative energy sources, including solar and wind power, in order to reduce our dependence not just on imported oil but on all fossil fuels. We also need to work even harder to increase energy efficiency, so that we get a greater payoff from all energy sources.

I hope today we can move this bill forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Mr. HOLT. Mr. Speaker, there is no denying that America is suffering from an energy crisis. My constituents are paying record prices at the pump, they are paying higher prices for food and commodities. This problem is only going to get worse this winter when they will be paying 15 percent more to heat their homes than last year. With family budgets already being stretched to the breaking point, Congress needs to act and to act quickly to address this problem. This will require both long term solutions that decrease our reliance on fossil fuels and imported fuels and short term solutions which will help bring down the price of energy now.

I have heard from a number of my constituents that a proven way to address both our short term and long term energy costs is to renew the renewable energy tax credit and the production tax credit that are due to expire at the end of this year. We already know how effective these tax credits are. For example, wind energy is not only a significant component of the global warming solution, but also a powerful engine in our economy. Since January 2007, more than 40 wind industry manufacturing facilities have been announced, brought online, or expanded in the U.S., creating over 9,000 jobs and one billion in new manufacturing investment. When the production tax credit lapsed in 2000, 2002 and 2004, wind capacity installation dropped 93 percent, 73 percent and 77 percent, respectively, from the previous year. It is unwise to allow the wind production tax credit to expire and allow this bright spot in our economy to grind to a halt.

The solar energy production tax credit and the solar residential tax credit have been instrumental in helping my home state of New Jersey become a leader in the production of solar energy technology. New Jersey is also one of the nation's fastest growing solar energy markets. The extension of the solar energy tax credit will spur job growth in communities and would help New Jersey reach its goal of having 20 percent of its electricity derived from renewable sources by the year 2020. I have heard from companies in my district that if we don't extend the production tax credit they will have to shut down new solar projects or charge more for energy.

The tax credit for consumers has been equally effective in saving our constituents

thousands of dollars on their energy bills. For example, I was recently contacted by Phyllis who lives in Marlboro, New Jersey. By utilizing the residential energy investment tax credit, Phyllis was able to install 55 solar panels on the roof of her home. Phyllis also used the investment tax credit to purchase a high efficiency heating and cooling system. Together these investments have decreased her energy costs to one fourth the cost she was paying the year before. Phyllis is also selling the excess energy her solar panels gather back into the grid and has made over $2,000 this summer. We need to encourage more Phyllises—that is how we will break our dependence on 19th century technology.

The renewal of these tax credits will also help to increase our economy by creating hundreds of thousands of jobs. According to a recent study, if the renewable energy tax breaks expire at the end of this year, over 116,000 jobs in wind and solar industries would be lost in one year. Today, when the predicted economic growth forecast is an anemic pace of 1.6 to 2 percent and unemployment is likely to continue to climb, we in Congress should do everything we can to ensure job growth and preserve jobs.

Renewable energy tax credits are instrumental to ensuring growth in the renewable energy sector, bolstering our national economy, providing us with home growth energy and have the potential to save our constituents thousands on their energy costs. It would be a disservice to our constituents if we do not act prior to Congress adjourning to extend and expand renewable energy tax incentives. Therefore, I have introduced legislation today that will extend the renewable energy tax credit, production tax credit, and the hybrid vehicle tax credit for ten years. This legislation would help to grow our economy and provide for a secure energy future.

Mr. BLUMENAUER. Mr. Speaker, I rise in support of the ''Comprehensive American Energy Security and Consumer Protection Act.'' It looks like the Republican mantra of ''drill, baby, drill!'' and their threat to hold the entire operation of government hostage in order to eliminate the decades-old ban on drilling off our coasts may actually end up doing a favor to those of us who want a comprehensive and sustainable approach to energy policy.

Ironically, there is not much controversy about the impact of more drilling on gas prices. Even the Bush administration's own Department of Energy agrees that more drilling will make no difference for two up to decades, and even then any impact on the price at the pump would be insignificant.

When it comes to drilling, the real issue is about surrendering more of our energy future to a handful of large oil companies to develop when they want to, according to their terms, and whether or not we are going to get full value for the taxpayer dollar. The American citizens, after all, own our oil and the evidence is that other countries drive a stronger bargain for their oil than we do.

Indeed, the comic, yet tragic Inspector General's report about mismanagement, collusion, conflict of interest, partying, and even sexual liaisons between the Three Stooges operation that is the Minerals Management Service and the industry they are supposed to regulate, is an example of the failure of the Republican oil administration. It is also the fault of the Republicans, who ran Congress until recently, and who are even less concerned about providing adult supervision.

I am proud that the Democrats have responded today with a wide-ranging proposal that offers opportunities for some responsible drilling for gas and oil, but goes far beyond just drilling This bill ensures that taxpayers get fair value for the oil from public lands and waters and provides additional incentives for renewable energy and conservation. It presents another opportunity to extend the production tax credits so essential to the emerging new sustainable green energy sources like wind and solar which, despite having passed the House five times, is still resisted by Republicans in the Senate and the President.

I am also pleased that this bill recognizes that giving Americans transportation choices will help reduce the pain at the pump by expanding service and reducing transit fares for commuter rail and buses.

This legislation puts all the pieces together in a comprehensive, thoughtful way that answers the legitimate concerns of the American public with more than a bumper sticker solution. As is always the case in the legislative process in a democracy, this bill is not everything that anyone person would want. For example, I would prefer to extend the moratorium on drilling off our shores for more than just 50 miles.

However, compared to the Republicans' one-dimensional, disingenuous approach to energy policy, in which they seek to obscure their 7½ years of mismanagement and misdirection, this bill is certainly light-years ahead. It will also provide a framework to look at the big picture between now and November and an important point of departure for a new administration and Congress to follow through.

We are not going to reverse years of myopia and mismanagement overnight; certainly not in one bill in the few remaining weeks of this Congress. Today, we do have an opportunity to tie the pieces together in a way that will move us further along to solving the problem rather than dueling sound bites.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the energy legislation before the House.

We need a comprehensive approach that includes responsible development of additional energy resources, greater energy efficiency, tax incentives to spur alternative energy, investment in new technologies, and relief to American consumers. The bill before the House does that.

It is clear that a more-of-the-same approach to energy will not work. If we've learned nothing else from the last eight years, we've learned that we cannot drill our way to energy security. Neither will conservation alone do the job.

The legislation before us provides long-term incentives for renewable energy that will give the solar, wind, and biomass industries the stability they need to make investments in additional production capacity. There are also significant incentives for making our nation and economy more energy efficient.

The offshore drilling provisions of this legislation open up as much as 400 million acres of land off the Atlantic and Pacific coasts that are currently off limits to drilling. Through this compromise, we will expand oil production offshore, while setting a reasonable buffer zone.

The legislation requires electric utilities to produce more of their electricity from renewable energy sources. This is smart energy policy that will create new industries and new American jobs.

The legislation increases the tax credit for alternative refueling property, such as E85 pumps, and extends the credit through 2010. Biofuels are an important component of our nation's energy strategy, and U.S. automakers have made significant investments to bring flex-fuel vehicles to market. To maximize the impact of this progress we need to speed the deployment of E85 pumps.

This legislation also provides incentives for manufacturers to produce washing machines, refrigerators and dishwashers that push the boundaries of energy and water efficiency, and to build them in the United States. Reducing the energy and water usage of a washing machine over time and across millions of households will produce remarkable reductions in energy and water usage, saving consumers billions on their utility bills.

In a word, the approach taken by this bill is comprehensive. It addresses both the supply and demand sides of our nation's energy policy. It is a balanced, responsible and long-term approach to addressing the challenges of energy security. I urge all of my colleagues to support this comprehensive package.

Mr. HOLT. Mr. Speaker, I rise today in opposition to H.R. 6899, The Comprehensive American Energy Security and Consumer Protection Act.

Today's energy crisis is based on a generation of failed policies which have made us excessively dependent on foreign fuels. We must learn from the mistakes of the past and find a new direction that will decrease our reliance on gas and oil and move our energy policy forward. Today my constituents in New Jersey are paying more than $3.50 at the pump. The steep increase in gas prices is stretching family budgets to the breaking point, and I am deeply concerned about the impact that prices are having on American consumers. Congress needs to pass comprehensive legislation that will help families struggling with rising gas and fuel oil prices in the short-term, while developing a long-term strategy that decreases our dependence on foreign oil and reduces our greenhouse gas emissions.

The legislation that we are considering today, the Comprehensive American Energy Security and Consumer Protection Act, has some good provisions, provisions that could help to move our country's energy policy in the right direction. I consistently have supported many of these provisions in the past. I have voted in favor of renewing the renewable energy tax credits three times this Congress. I have voted to repeal the billions of dollars in tax breaks that have been given to oil companies at the expense of the American taxpayer and to invest this money in clean, renewable energy. I have voted to provide relief to our public transit agencies which are struggling to meet the skyrocketing demand for public transportation. Twice I have voted to encourage oil companies to drill on the 68 million acres of the lands open for drilling both onshore and offshore that currently are leased by oil companies for production, yet remain unused. I have supported legislation which would help to increase supply for oil and decrease demand for oil including releasing oil from the Strategic Petroleum Reserve, instituting a national Renewable Portfolio Standard, and increasing the efficiency of buildings

and appliances. I have consistently supported comprehensive reform of our nation's energy policy. Last year I supported H.R. 6, the Energy Independence and Security Act, a law that will make a real difference in moving our energy policy forward by raising the Corporate Average Fuel Economy Standard. However, unlike H.R. 6, the legislation before us today is not the comprehensive policy that we need to move our country forward and I cannot support it.

I believe that drilling in environmentally sensitive areas, such as our coastline, is unwise. Some in America claim that drilling—here, now, and everywhere—will bring instantaneous relief to families paying painful gas prices. The facts do not support this claim. ''Drill baby drill'' is not an energy policy, it is a slogan to hide behind to avoid corning up with a real policy which will help America move towards sustainable, affordable energy. There is no easy solution to this crisis, and the evidence shows that drilling in OCS would save pennies per gallon years from now. We can begin now, not years from now, to move to sustainable, affordable energy. Fortunately, the environmental and financial requirements for an oil or gas company to drill are strong enough that few if any wells will be drilled under this legislation, and I expect smarter, more comprehensive legislation will follow next year.

We will never be able to drill our way to energy independence. The United States consumes 25 percent of the world's oil but only possesses 3 percent of the world's oil reserves. Even if we drilled on every single square inch of land where oil is assumed to exist we will never be able to meet our national demand. Moreover, drilling 50 or 100 miles off our shores, as H.R. 6899 proposes, could be detrimental to the preservation of our environment for future generations. In New Jersey, tourism along our shore brings $35 billion to the state's economy. A possible oil spill from drilling of the coast of New Jersey, Virginia, or Delaware would be devastating to my state's 120 miles of shoreline. I am unwilling to sacrifice our nation's environment for drilling which will do nothing to decrease prices at the pump.

Since I was elected 10 years ago I have consistently opposed drilling in environmentally sensitive areas including the Outer Continental Shelf. I have a strong record for voting in favor of preserving our environment and developing new energy sources that are clean, safe, and sustainable. This is really the only way that we can lower our gas prices in the long term. I will not support legislation which will continue the failed policies of reliance on fossil fuels, and I oppose H.R. 6899.

I will continue to push for real reform of our nation's energy policy. Therefore I will be introducing legislation today which extend for 10 years the tax credits for hybrid cars, energy efficient housing, and renewable energy sources including solar, wind, geothermal, biomass, and hydro power. Extending these tax credits will help our country stay on the right path towards a cleaner energy future.

Mrs. CAPPS. Mr. Speaker, I rise in reluctant opposition to this bill.

I do so because I simply cannot support the myth that a lack of offshore drilling is at the root of our energy problems, and the supposed solutions to that myth are contained in this bill.

I fully support the provisions in the bill that will help America reach the goal of a clean energy future. For example, the bill extends federal tax incentives for energy efficiency and renewable energy that will expire by the end of 2008. It's critical that these tax incentives be extended to avoid causing significant harm to our country's developing clean energy industries. It would also provide new incentives for purchasing energy efficient products and plug-in hybrid vehicles.

I also support the Renewable Electricity Standard included in the bill, which requires at least 15 percent of our national energy production to come from renewable sources by 2020. More than half of the states already have a standard like this in place, including California and Texas.

I believe these provisions are clear steps in the right direction and, in fact, would argue we should be doing more of them.

But President Bush was right when he said our country is addicted to oil. The U.S. is like the alcoholic who says he needs just one more drink to get him through the day and then tomorrow he will stop. And this recent nonstop effort to open up the entire U.S. coast to more drilling looks to me a lot like a problem drinker in denial.

The driving force behind this legislation is the relentless, disingenuous and, in the end, futile attempt to drill our way to energy security. It is doomed to failure because we simply don't have the resources. We consume 25 percent of the world's oil and yet we have only 3 percent of the world's oil supply. Do the math.

Or better yet, just look at recent history. Seven and a half years ago, President Bush took office promising to implement a national energy policy that would make America energy independent. The former oilman entrusted his Vice President, himself the former head of the largest oil servicing company in the world, with leading the effort. Since then, the President's energy policy has mostly been about enabling our addiction to fossil fuels by focusing only on increasing domestic oil and gas supplies.

For example, between 2001 and 2007, the Bush Administration offered 343 million acres of leases for offshore drilling, selling over 33 million acres to oil and gas companies. And in the last five years, the Republican-controlled Congress gave the President approval for new leasing in Bristol Bay, Alaska, and the eastern Gulf of Mexico. In fact, the U.S. has more oil and gas rigs operating today than the entire rest of the world.

Meanwhile, the Bush Administration energy policy paid lip service to conservation, neatly summed up by Vice President CHENEY's dismissive and uninformed remark that ''conservation may be a sign of personal virtue but it is not a sufficient basis for a sound, comprehensive energy policy.''

And the Administration's lack of interest in developing alternative energy was succinctly illustrated when Congressional Republicans, needing to reduce the overall cost of their ''landmark'' 2005 energy bill, slashed support for alternative fuels while leaving intact tens of billions of dollars in taxpayer subsidies for already rich oil companies.

The results of these choices aren't pretty: in 2000, the U.S. imported 53 percent its oil; today, that figure is 59 percent. And while consumers pay record high prices at the pump, oil companies are racking up record high oil profits. Exxon-Mobil's last quarterly profits were $11 billion, the largest in human history. The other oil and gas behemoths pulled in similarly spectacular profits.

But the failure of President Bush's strategy was both predictable and predicted. Democrats in Congress pointed out that the vast majority of offshore oil and gas reserves were already available for exploitation. Even if they hadn't been and we made them all available to drilling, there is still that troubling U.S. demand versus U.S. supply contradiction.

For years, Democrats tried to convince the Republicans then in charge of Congress that real energy security would be found by making our cars, buildings and appliances more efficient; by dramatically speeding up the development of renewable and alternative energy sources; and by beginning the long, hard transition away from fossil fuels that imperil our economy, damage our planet and come mostly from unstable countries all too often wishing us harm. Those arguments were all rejected by the President and his supporters in Congress, leaving us where we are today.

To be clear, I don't want to see more oil rigs off my congressional district. My constituents rightfully fear the economic and environmental effects of new drilling. Many of us witnessed firsthand the devastation of the blowout on Platform A off the coast of Santa Barbara in 1969. We saw the dead birds and seals, the beaches covered with oil, the land that we love so much nearly destroyed.

In the years since, despite the great advances touted by the industry, oil accidents and drilling-based pollution in my district have been plentiful, offshore and onshore. For example, Exxon-Mobil recently agreed to pay almost $3 million for releasing dangerous PCB's into the Santa Barbara Channel from Platform Hondo.

Another fine example is that of Greka Oil, a company that has been polluting our local creeks with toxic runoff and countless oil spills seemingly without a care. It looks like Greka based its environmental policies on the cutting edge technology found in the movie ''There Will Be Blood.'' I could also site the infamous Torch Operating Company pipeline explosion in 1997, the destruction and rebuilding of Avila Beach brought on by Unocal's decades-long pollution in that coastal town, or the impacts to our local air and water quality that we deal with every day. That is the history—and daily reality—of oil drilling in my congressional district.

So, yes, Californians don't want more of that.

But my opposition to this bill is mostly because it is simply not in the best interests of this country. The longer we try to fool ourselves into believing that this time new drilling will bring us lower prices and that we still have plenty of time to get ourselves off this oil addiction, the tougher the day of reckoning will be. Our economy will continue to be at the whim of crazy dictators around the world, globing warming will continue unabated and the decisions to send our troops in harm's way will too often be tainted by the stench of oil politics.

And just so we are clear, this ''American'' oil we want to drill for is more likely to end up in gas tanks in Beijing or Calcutta than in Washington or Wasilla because oil markets are global. The multinational oil companies that

will sink their rigs off California or Virginia will be selling "American" oil to the highest bidder. That is one reason why none other than the Bush Administration's own Energy Information Administration concluded that even opening the entire U.S. coastline to more drilling would have virtually no impact on oil prices.

We need to end our addiction to fossil fuels and we need to start now. Expanded drilling off our coasts will not bring us closer to that goal.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1433, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 2115

MOTION TO RECOMMIT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. PETERSON of Pennsylvania. Yes, in its current form.

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

The Clerk read as follows:

Mr. Peterson of Pennsylvania moves to recommit the bill H.R. 6899 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Conservation, Environment, and Energy Independence Act".

SEC. 2. TABLE OF CONTENTS-.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—OFFSHORE AND ONSHORE LEASING AND OTHER ENERGY PRODUCTION
Sec. 101. Termination of prohibitions on expenditures for, and withdrawals from, offshore and onshore leasing and other limitations on energy production.
Sec. 102. Outer continental shelf leasing program.
Sec. 103. Sharing of revenues.
Sec. 104. Policies regarding buying and building American.
Sec. 105. Elimination of other restrictions on use of energy alternatives.
TITLE II—CLEANER ENERGY PRODUCTION AND ENERGY CONSERVATION INCENTIVES
Sec. 201. Extension of renewable energy credit.
Sec. 202. Extension of credit for alternative fuel vehicles.
Sec. 203. Extension of alternative fuel vehicle refueling property credit.
Sec. 204. Extension of credit for energy efficient appliances.
Sec. 205. Extension of credit for nonbusiness energy property.
Sec. 206. Extension of credit for residential energy efficient property.
Sec. 207. Extension of new energy efficient home credit.
Sec. 208. Extension of energy efficient commercial buildings deduction.
Sec. 209. Extension of energy credit.
Sec. 210. Extension of credit for clean renewable energy bonds.
Sec. 211. Extension of credits for biodiesel and renewable diesel.
Sec. 212. Credit for plug-in hybrid vehicles.
Sec. 213. Time for payment of corporate estimated taxes.
TITLE III—MODIFYING THE STRATEGIC PETROLEUM RESERVE AND FUNDING CONSERVATION AND ENERGY RESEARCH AND DEVELOPMENT
Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Objectives.
Sec. 304. Modification of the Strategic Petroleum Reserve.
Sec. 305. Energy Independence and Security Fund.

TITLE I—OFFSHORE AND ONSHORE LEASING AND OTHER ENERGY PRODUCTION

SEC. 101. TERMINATION OF PROHIBITIONS ON EXPENDITURES FOR, AND WITHDRAWALS FROM, OFFSHORE AND ONSHORE LEASING AND OTHER LIMITATIONS ON ENERGY PRODUCTION.

(a) PROHIBITIONS ON EXPENDITURES.—All provisions of Federal law that prohibit the expenditure of appropriated funds to conduct natural gas, oil, oil shale, and other energy production leasing and preleasing activities for Federal lands shall have no force or effect with respect to such activities.

(b) REVOCATION WITHDRAWALS.—All withdrawals of Federal submerged lands of the Outer Continental Shelf from leasing, including withdrawals by the President under the authority of section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(a)), are hereby revoked and are no longer in effect with respect to the leasing of areas for exploration for, and development and production of natural gas and oil.

(c) GULF OF MEXICO OIL AND GAS.—Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

(d) OIL SHALE.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2152) is repealed.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by inserting after section 9 the following:

"SEC. 10. MORATORIA AREA AND STATE DISAPPROVAL REQUIREMENT WITH RESPECT TO LEASING.

"(a) PROHIBITION ON LEASING.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas or oil in any area of the outer Continental Shelf that is located within 25 miles of the coastline of a State.

"(b) STATE DISAPPROVAL AUTHORITY.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas or oil in any area of the outer Continental Shelf that is located more than 25 miles and less than 50 miles from the coastline of a State if the State has enacted, within the 1-year period beginning on the date of the enactment of the National Conservation, Environment, and Energy Independence Act, a law disapproving of the issuance of such leases by the Secretary.

"(c) MILITARY OPERATIONS.—The Secretary shall consult with the Secretary of Defense regarding military operations needs in the Outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise between such operations and leasing under this section. If the Secretaries are unable to resolve all such conflicts, any unresolved issues shall be referred by the Secretaries to the President in a timely fashion for immediate resolution.".

SEC. 103. SHARING OF REVENUES.

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

(1) in paragraph (2) by striking "Notwithstanding" and inserting "Except as provided in paragraph (6), and notwithstanding";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9); and

(3) by inserting after paragraph (5) the following:

"(6) BONUS BIDS AND ROYALTIES UNDER QUALIFIED LEASES.—

"(A) NEW LEASES.—Of amounts received by the United States as bonus bids, royalties, rentals, and other sums collected under any qualified lease on submerged lands made available for leasing under this Act by the enactment of the National Conservation, Environment, and Energy Independence Act that are located within the seaward boundaries of a State established under section 4(a) (2) (A)—

"(i) 30 percent shall be deposited in the general fund of the Treasury;

"(ii) 30 percent shall be paid to the States that are producing States with respect to those submerged lands;

"(iii) 8 percent shall be deposited in the Conservation Reserve established by paragraph (7);

"(iv) 10 percent shall be deposited in the Environment Restoration Reserve established by paragraph (7);

"(v) 15 percent shall be deposited in the Renewable Energy Reserve established by paragraph (7);

"(vi) 5 percent shall be deposited in the Carbon Capture/Sequestration and Nuclear Waste Reserve Established by paragraph (7); and

"(vii) 2 percent shall be available to the Secretary of Health and Human Services for carrying out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621, et seq.).

"(B) LEASED TRACT THAT LIES PARTIALLY WITHIN THE SEAWARD BOUNDARIES OF A STATE.—In the case of a leased tract that lies partially within the seaward boundaries of a State, the amounts of bonus bids and royalties from such tract that are subject to subparagraph (A)(ii) with respect to such State shall be a percentage of the total amounts of bonus bids and royalties from such tract that is equivalent to the total percentage of surface acreage of the tract that lies within such seaward boundaries.

"(C) USE OF PAYMENTS TO STATES.—Amounts paid to a State under subparagraph (A)(ii) shall be used by the State for one or more of the following:

"(i) Education.

"(ii) Transportation.

"(iii) Coastal restoration, environmental restoration, and beach replenishment.

"(iv) Energy infrastructure.

"(v) Renewable energy development.

"(vi) Energy efficiency and conservation.

"(vii) Any other purpose determined by State law.

"(D) DEFINITIONS.—In this paragraph:

"(i) ADJACENT STATE.—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.

''(ii) ADJACENT ZONE.—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.

''(iii) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an adjacent zone containing leased tracts from which are derived bonus bids and royalties under a lease under this Act.

''(iv) STATE.—The term 'State' includes Puerto Rico and the other territories of the United States.

''(v) QUALIFIED LEASE.—The term 'qualified lease' means a natural gas or oil lease made available under this Act granted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act, for an area that is available for leasing as a result of enactment of section 101 of that Act.

''(E) APPLICATION.—This paragraph shall apply to bonus bids and royalties received by the United States under qualified leases after September 30, 2008.

''(7) ESTABLISHMENT OF RESERVE ACCOUNTS.—

''(A) IN GENERAL.—For budgetary purposes, there is established as a separate account to receive deposits under paragraph (6)(A)—

''(i) the Conservation Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act for conservation programs, such as weatherization, and conservation tax credits and deductions for energy efficiency in the residential, commercial, industrial and public sectors, including Conservation Districts;

''(ii) the Environment Restoration Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to conduct restoration activities to improve the overall health of the ecosystems primarily or entirely within wildlife refuges, national parks, lakes, bays, rivers, and streams, in-eluding the Great Lakes, the Chesapeake and Delaware Bays, the San Francisco Bay/Sacramento San Joaquin Bay Delta, the Florida Everglades, New York Harbor, the Colorado River Basin, and Intracoastal Waterways and inlets that serve them;

''(iii) the Renewable Energy Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to accelerate the use of cleaner domestic energy resources and alternative fuels; to promote the utilization of energy-efficient products and practices; and to increase research, development, and deployment of clean renewable energy and efficiency technologies and job training programs for those purposes; and

''(iv) the Carbon Capture and Sequestration Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to promote research and development projects associated with carbon capture and storage in the production of liquid transportation fuels, synthetic natural gas, chemical feedstocks, and electricity, and for the disposition and recycling/reprocessing of nuclear waste from nuclear power plants.

''(B) PROCEDURE FOR ADJUSTMENTS.—

'' (i) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in clause (i), (ii), (iii), or (iv) of subparagraph (A) in excess of the amount of the deposits under paragraph (6)(A) for those purposes for fiscal year 2009, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in clause (ii) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

''(ii) MATTERS TO BE ADJUSTED.—The adjustments referred to in clause (i) are to be made to—

''(I) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

''(II) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

''(III) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974.

''(iii) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in clauses (i) and (ii) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to this Act for the fiscal year in which the adjustments are made.

''(C) EXPENDITURES ONLY BY SECRETARY OF THE INTERIOR IN CONSULTATION.—Legislation shall not be treated as legislation referred to in subparagraph (A) unless any expenditure under such legislation for a purpose referred to in that subparagraph may be made only after consultation with the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Army acting through the Corps of Engineers, and, as appropriate, the Secretary of State.

''(8) MAINTENANCE OF EFFORT BY STATES.—The Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of Energy, and any other Federal official with authority to implement legislation referred to in paragraph (6)(A) shall ensure that financial assistance provided to a State under that legislation for any purpose with amounts made available under this subsection or in any legislation with respect to which paragraph (7) applies supplement, and do not replace, the amounts expended by the State for that purpose before the date of the enactment of the National Conservation, Environment, and Energy Independence Act''.

(b) ESTABLISHMENT OF STATE SEAWARD BOUNDARIES.—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: ''. Such extended lines are deemed to be 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. The preceding sentence shall not apply with respect to the treatment under section 105 of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432) of qualified outer Continental Shelf revenues deposited and disbursed under subsection (a)(2) of that section.''.

SEC. 104. POLICIES REGARDING BUYING AND BUILDING AMERICAN.

(a) INTENT OF CONGRESS.—It is the intent of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from domestic sources. Moreover, the Congress intends to monitor the deployment of personnel and material onshore and offshore to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking ''regulations which'' and inserting ''regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4 of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that''.

SEC. 105. ELIMINATION OF OTHER RESTRICTIONS ON USE OF ENERGY ALTERNATIVES.

(a) RENEWABLE BIOMASS.—Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended effective January 1, 2009—

(1) in clause (ii), by striking ''on non-federal land''; and

(2) in clause (iv), by striking ''that are from non-federal forestlands, including forestlands'' and inserting ''from forestlands, including those on public lands and those''.

(b) ALTERNATIVE FUELS.—Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

(c) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID ADVANCED LEAN-BURN TECHNOLOGY VEHICLES.—Section 30B of the Internal Revenue Code of 1986 is amended by striking subsection (f).

TITLE II—CLEANER ENERGY PRODUCTION AND ENERGY CONSERVATION INCENTIVES

SEC. 201. EXTENSION OF RENEWABLE ENERGY CREDIT.

Each of the following provisions of section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2013'':

(1) Paragraph (1) (relating to wind facility).

(2) Clauses (i) and (ii) of paragraph (2)(A) (relating to closed-loop biomass facility).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A) (relating to open-loop biomass facility).

(4) Paragraph (4) (relating to geothermal energy facility).

(5) Paragraph (5) (relating to small irrigation power facility).

(6) Paragraph (6) (relating to landfill gas facilities).

(7) Paragraph (7) (relating to trash combustion facilities).

(8) Paragraph (8) (relating to refined coal production facility).

(9) Subparagraphs (A) and (B) of paragraph (9) (relating to qualified hydropower facility).

SEC. 202. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLES.

Paragraphs (2), (3), and (4) of section 30B(j) of the Internal Revenue Code of 1986 are each amended by striking the date therein and inserting ''December 31, 2014''.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 30C(g) of such Code (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ALTERNATIVE FUELS.—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)).''.

SEC. 204. 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(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. 205. 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. 206. 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, 2014''.

SEC. 207. 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. 208. 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. 209. 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 ''January 1, 2009'' and inserting ''January 1, 2017''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) of such Code (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of such Code (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 210. EXTENSION 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''.

SEC. 211. EXTENSION OF CREDITS FOR BIODIESEL 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.

SEC. 212. CREDIT FOR PLUG-IN HYBRID VEHICLES.

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

''SEC. 30D. PLUG-IN HYBRID 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 qualified plug-in hybrid 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 qualified plug-in hybrid 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 $4,000.

''(3) BATTERY CAPACITY.—In the case of 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) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in hybrid 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,

''(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, and

''(G) which either—

''(i) is also propelled to a significant extent by other than an electric motor, or

''(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

''(2) EXCEPTION.—The term 'qualified plug-in hybrid 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) 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) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—Section 30B(d)(3) 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) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the portion of the plug-in hybrid vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) 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(e)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(4),'' after ''30C(e)(5),''.

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

''Sec. 30D). Plug-in hybrid vehicles.''.

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

SEC. 213. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year—

(1) the percentage under section 401(1) (C) of the Tax Increase Prevention and Reconciliation Act of 2005 (as in effect on the date of the enactment of this Act) is increased by 51 percentage points, and

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2018 shall be 200 percent of such amount.

The amount of the next required installment after an installment to which paragraph (2) applies shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

TITLE III—MODIFYING THE STRATEGIC PETROLEUM RESERVE AND FUNDING CONSERVATION AND ENERGY RESEARCH AND DEVELOPMENT

SEC. 301. FINDINGS.

Congress finds the following:

(1) The Strategic Petroleum Reserve (SPR) was created by Congress in 1975, to protect the Nation from any future oil supply disruptions. When the program was established, United States refiners were capable of handling light and medium crude and the make up of the SPR matched this capacity. This is not the case today.

(2) A GAO analysis found that nearly half of the refineries considered vulnerable to supply disruptions are not compatible with the types of oil currently stored in the SPR and would be unable to maintain normal refining capacity if forced to rely on SPR oil as currently constituted, thereby reducing the effectiveness of the SPR in the event of a supply disruption. GAO concluded that the SPR should be comprised of at least 10 percent heavy crude.

(3) This Act implements the GAO recommendation and dedicates funds received from the transactions to existing energy conservation, research, and assistance programs.

SEC. 302. DEFINITIONS.

In this title—

(1) the term ''light grade petroleum'' means crude oil with an API gravity of 35 degrees or higher;

(2) the term ''heavy grade petroleum'' means crude oil with an API gravity of 26 degrees or lower; and

(3) the term ''Secretary'' means the Secretary of Energy.

SEC. 303. OBJECTIVES.

The objectives of this title are as follows:

(1) To modernize the composition of the Strategic Petroleum Reserve to reflect the current processing capabilities of refineries in the United States.

(2) To provide increased funding to accelerate conservation, energy research and development, and assistance through existing programs.

SEC. 304. MODIFICATION OF THE STRATEGIC PETROLEUM RESERVE.

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary shall publish a plan not later than 30 days after the date of enactment of this Act to—

(1) exchange as soon as possible light grade petroleum from the Strategic Petroleum Reserve, in an amount equal to 10 percent of the total number of barrels of crude oil in the Reserve as of the date of enactment of this Act, for an equivalent volume of heavy grade petroleum plus any additional cash bonus bids received that reflect the difference in the market value between light grade petroleum and heavy grade petroleum and the timing of deliveries of the heavy grade petroleum;

(2) from the gross proceeds of the cash bonus bids, deposit the amount necessary to pay for the direct administrative and operational costs of the exchange into the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247); and

(3) deposit 90 percent of the remaining net proceeds from the exchange into the account established under section 305(a).

SEC. 305. ENERGY INDEPENDENCE AND SECURITY FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States the ''Energy Independence and Security Fund'' (in this section referred to as the ''Fund'').

(b) ADMINISTRATION.—The Secretary shall be responsible for administering the Fund for the purpose of carrying out this section.

(c) DEPOSITS.—The Secretary shall transfer the balance of funds in the SPR Petroleum Account on the date of enactment of this Act in excess of $10,000,000 into the Fund.

(d) DISTRIBUTION OF FUNDS.—The Secretary shall make available for obligation, without further appropriation and without fiscal year limitation, the following amounts from the Fund:

(1) ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.—The Secretary shall transfer $100,000,000 to the account ''Energy Transformation Acceleration Fund'', established under section 5012(m) of the America COMPETES Act (42 U.S.C. 16538(m)), to remain available until expended. Of the funds so transferred, the Secretary shall further allocate the amounts made available for obligation as follows:

(A) $50,000,000 shall be available for university-based research projects.

(B) $10,000,000 shall be available for program direction expenses.

(2) WIND ENERGY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $15,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized in section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B)).

(3) SOLAR ENERGY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies, and public education and outreach materials pursuant to such program, as authorized by section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A)).

(4) LOW INCOME WEATHERIZATION AND LIHEAP.—The Secretary shall transfer $100,000,000 to the account ''Weatherization Assistance Program'', to remain available until expended, for necessary expenses for a program to weatherize low income housing, as authorized by section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140). The Secretary shall transfer $100,000,000 to the Secretary of Health and Human Services for distribution to States under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)).

(5) MARINE AND HYDROKINETIC RENEWABLE ELECTRIC ENERGY.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of ocean and wave energy, including hydrokinetic renewable energy, as authorized by section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) and section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215).

(6) ADVANCED VEHICLES RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary shall transfer $40,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized in section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A)).

(7) INDUSTRIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $110,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency and reduce greenhouse gas emissions from industrial processes, as authorized in section 911(a)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(C)) and in section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111).

(8) BUILDING AND LIGHTING ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $70,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of and reduce greenhouse gas emissions from buildings, as authorized in section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note), section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082), and section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192).

(9) GEOTHERMAL ENERGY DEVELOPMENT.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for geothermal research and development activities to be managed by the National Renewable Energy Laboratory, as authorized by sections 613, 614, 615, and 616 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17192–95) and section 931(a)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(C)).

(10) SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for research, development, and demonstration of smart grid technologies, as authorized by section 1304 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17384).

(11) CARBON CAPTURE AND STORAGE.—The Secretary shall transfer $385,000,000 to the account ''Fossil Energy Research and Development'', to remain available until expended, for necessary expenses for a program of demonstration projects of carbon capture and storage, and for a research program to address public health, safety, and environmental impacts, as authorized by section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) and sections 703 and 707 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251, 17255).

(12) NONCONVENTIONAL DOMESTIC NATURAL GAS PRODUCTION AND ENVIRONMENTAL RESEARCH.—

(A) The Secretary shall transfer $50,000,000 to the account authorized by section 999H(e) of the Energy Policy Act of 2005 (42 U.S.C. 16378(e)), to remain available until expended.

(B) The Secretary shall transfer $15,000,000 to the account ''Fossil Energy Research and Development'', to remain available until expended, for necessary expenses for a program of basin-oriented assessments and public and private partnerships involving States and industry to foster the development of regional advanced technological, regulatory, and economic development strategies for the efficient and environmentally sustainable recovery and market delivery of natural gas and domestic petroleum resources within the United States, and for support for the Stripper Well Consortium.

(13) HYDROGEN RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $5,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for the Department of Energy's 1–1Prize Program, as authorized by section 1008(f) of the Energy Policy Act of 2005 (42 U.S.C. 16396(f)).

(14) ENERGY STORAGE FOR TRANSPORTATION AND ELECTRIC POWER.—

(A) The Secretary shall transfer $30,000,000 to the account ''Basic Energy Sciences'', to remain available until expended, for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized by section 641(p)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(1)).

(B) The Secretary shall transfer $70,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, including—

(i) $30,000,000 for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized by section 641(p)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(2));

(ii) $20,000,000 for energy storage systems demonstrations as authorized by section 641(p)(4) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(4)); and

(iii) $20,000,000 for vehicle energy storage systems demonstrations as authorized by section 641(p)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(5)).

(e) TRANSFER PROCEDURES.—The Secretary shall make an initial transfer from the Fund no later than 30 days after the initial deposit of monies into the Fund. The Secretary shall make additional transfers no later than 30 days after subsequent deposits. If the amount available to be transferred is less than the levels authorized under subsection (d), the transfers for each program shall be allocated on a pro rata basis. If the amount available to be transferred exceeds the levels authorized under subsection (d), the transfers for each program shall be increased on a pro rata basis.

(f) MANAGEMENT AND OVERSIGHT.—

(1) ADDITIONALITY OF FISCAL YEAR 2008 TRANSFERS.—All amounts transferred under subsection (d) shall be in addition to, and shall not be substituted for, any funds appropriated for the same or similar purposes in the Consolidated Appropriations Act, 2008.

(2) EXCESS FUNDS.—The total of all amounts transferred under subsection (d) and any funds appropriated for the same or similar purposes in the Consolidated Appropriations Act, 2008 may not exceed the amounts authorized in other Acts for such purposes. In the event that amounts made available under this title plus amounts under the Consolidated Appropriations Act, 2008 exceed the cumulative amounts authorized in other Acts for any program funded by this Act, the excess amounts shall be distributed to the other programs funded by this title on a pro rata basis.

(3) PROGRAM PLANS AND PERFORMANCE MEASURES.—The Secretary shall prepare and publish in the Federal Register a plan for the proposed use of all funds authorized in subsection (d). The plan also shall identify how the use of these funds will be additive to, and not displace, annual appropriations. The plans also shall identify performance measures to assess the additional benefits that may be realized from the application of the additional funding provided under this section. The initial plan shall be published in the Federal Register not later than 45 days after the date of enactment of this Act.

(4) CONGRESSIONAL OVERSIGHT AND REVIEW.—Nothing in this section shall limit or restrict the review and oversight of program plans by the appropriate committees of Congress. Nothing in this section shall limit or restrict the authority of Congress to set alternative spending limitations in annual appropriations Acts.

(5) APPORTIONMENT.—All transactions of the Fund shall be exempt from apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

Mr. PETERSON of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion.

Mr. PETERSON of Pennsylvania. Thank you, Mr. Speaker.

I want to thank the leadership on both sides. I want to thank all of the Members for the opportunity tonight to offer America the first bipartisan energy bill that may have been offered in this century written by Republicans and Democrats in a room with just cold sandwiches night after night, working with no lobbyists, no power brokers, trying to come together like the American people want us to. They want affordable, available energy as soon as we can get it, and they want it ongoingly, and they deserve it.

We're the most powerful Nation in the world, and it's unfair to the American public that their future depends on weather in the gulf, that their future depends on unstable countries that provide us half of our imported oil. We get half of the 70 percent we import from friends and half of it from unstable nations. The American people are not comfortable with that. They want better.

And the American people know that our energy system could be sabotaged each and every day by the terrorists because there is no slop in the system, there's no surplus, there's no extra. There's just enough oil to meet the oil demand each day, and whenever anything goes wrong, the prices skyrocket.

Folks, we have the chance here to reevaluate our policies. I understand many years ago when we set it aside, it was cheap: $2 gas, $10 oil, use theirs, save ours. Folks, that day is gone. We need to now reassess where we're at. We need to be energy independent in this country, and we need to start down that long road. It won't be easy, and it needs to be a broad-based plan.

Our bill opens up the Outer Continental Shelf. It takes away all the prohibitions that have been put upon the Department of the Interior for leasing land. It repeals the prohibition of preventing Federal agencies from entering into contracts for procurement of alternative and synthetic fuels. It repeals limitation on the number of new qualified hybrid and advanced clean-burn technology vehicles eligible for the alternative vehicle tax benefits. That's electric and gas cars.

It allows the use of woody biomass, the fastest growing renewable we have that's fueling pellet stoves and factories with wood waste and will be part of cellulosic ethanol as we move from corn to cellulose, prohibited today by law from using off of Federal land, wood waste. Removes that.

Folks, it removes the prohibition on shale oil, the biggest oil opportunity this country has ever had. And folks, it takes the revenues and funds the renewables better than they've ever been funded. It funds conservation better than it's ever been funded. It funds clean-up efforts, environmental clean-up efforts. It funds carbon sequestration with large amounts of money.

And let me read you that paragraph which I think is vital: ''The Carbon Capture and Sequestration Reserve offsets the cost of legislation enacted after the date of the enactment of the National Conservation, Environment and Energy Independence Act to promote research and development projects associated with carbon capture and storage in the production of liquid transportation fuels, electricity, synthetic natural gas, chemical feedstock and for the disposition and recycling/reprocessing of nuclear waste from nuclear power plants.''

It will fund LIHEAP for those who are not going to be able to afford their heating this winter.

Folks, this is not a perfect bill, but it's a damn good start, and it was put together by no interest groups, no corporations got involved, no environmental radical groups. None of them were at the table.

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It was just Members of Congress who felt the needs of their districts and realized the plea of the people to give us available, affordable energy. We're the most powerful Nation. Why are we not doing that? Just recently, Russia bought a coal plant in Pennsylvania. You're going to find China buying energy plants in this country. They're building plants everywhere. They're preparing for their future while we've been sitting on our hands, bickering and bipartisanly fighting with each other.

I ask the Members of both conferences to support this act that will give America energy in the future that's affordable.

Mr. RAHALL. Mr. Speaker, with all due respect to the gentleman from Pennsylvania, I claim my 5 minutes in opposition to the motion to recommit, and I yield 2 minutes to the gentleman from Pennsylvania's partner in this effort, the gentleman from Hawaii.

The SPEAKER pro tempore. The gentleman may yield and reclaim time as he sees fit. The Chair will not monitor sub-units of time within his 5 minutes.

Mr. RAHALL. I'm sorry?

The SPEAKER pro tempore. The gentleman must keep track of the time himself. The Chair will not monitor it.

Mr. RAHALL. Fine. Thank you, Mr. Speaker.

Mr. ABERCROMBIE. Why didn't we take H.R. 6709 from the beginning just for the reasons that JOHN says and make this a bill that we all put together? We've denounced each other all day, not everybody, but the denunciations and the accusations were all taking place all day.

Where's JOHN? No, no, I love you, JOHN. The other JOHN. But I don't see him over there.

Mr. BOEHNER, the minority leader, has been talking about the other bill, the total energy bill or whatever it is all straight through. Then we come to H.R. 6709. Now, it's easy for me. I gave my word. Everybody in here knows that I give you my word, I'm going to keep it. I gave my word on this bill to try and move it along, and so I will.

What bothers me is if the intention was to work H.R. 6709 all along, why didn't we do it? It would have been easy just to say okay, Madam Speaker, let's put this together and do it.

Now, as I say, I believe that honor puts me in the position of voting for the bill as we have it on the floor, not for the recommittal.

What I'm asking is, is if we meant this for real about trying to pass something in the national interest, then that's what we should do is pass the bill that we have.

Now if the recommittal comes up and it doesn't succeed, what I'm hoping is if the other bill passes—and I urge us to vote for that bill—that we then go to the Senate and say, look, we've got a considerable consensus here, not unanimous by any respects, but we have a considerable consensus on the drilling, on the revenue sharing, on all the items that we worked on, on a bipartisan basis.

So I think what we have to do here tonight, what I recommend to everybody on our side, is that we keep our word. We said that we were going to put this bill in good faith on the floor and move it along despite everybody saying that they had other contentions they would like to be in there, and that where H.R. 6709 is concerned on the recommittal is that it should have been offered from the beginning as a working document, but that the first part—okay. All right.

Mr. RAHALL. Regular order, Mr. Speaker.

Mr. ABERCROMBIE. You're making my point for me. You're making my point for me. We reached out to everybody. JOHN and I reached out, and not just JOHN and I, the 49 or 50 people—I named some of them tonight—to everybody. And if you think you're going to score points by yelling at me here on the floor, I think you're making my case for me.

Mr. RAHALL. Mr. Speaker, reclaiming my time, it should be noted that the recommittal motion, in taking the Abercrombie and Peterson language as it has word for word, does repeal the military mission law protection that we worked so hard to keep in for the Florida delegation.

The gentleman from Florida (Mr. YOUNG) raised that issue on the floor. He had the map, and I would say to him that because of the importance of this to our military training, our aviation training, our national security defenses, we protect this area in our bill.

The Abercrombie-Peterson measure, as read by the Clerk of the House just now, repeals the section 104 that provides for the protection of this Florida area.

So I would urge my colleagues from the State of Florida to particularly take this into recognition, as well as all of my colleagues, because this is a national security area. The Air Force uses the eastern gulf for training maneuvers. It has become crucial for maintaining our military readiness, especially after the closure of Vieques, and our compromise bill does protect this area for important defense training and exercises.

So I would hope Members would note that, and I do, of course, rise in opposition to the motion to recommit. Well, I do know where it came from, and as I said, I respect the gentleman from Pennsylvania (Mr. PETERSON) for working with Mr. ABERCROMBIE, and he has stated his reasons for opposing this language as well.

So I would urge my colleagues to oppose this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 191, noes 226, not voting 17, as follows:

[Roll No. 598]

AYES—191

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—226

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca

Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—17

Brady (TX)
Conyers
Cubin
Dreier
Ehlers
Green, Al
Higgins
Lampson
McCaul (TX)
McNerney
Miller (MI)
Neugebauer
Paul
Pitts
Pryce (OH)
Slaughter
Walberg

□ 2156

Messrs. MOLLOHAN and ROTHMAN changed their vote from ''aye'' to ''no.''

Messrs. NUNES, SIMPSON and TURNER changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 598, had I been present, I would have voted "aye."

Stated against:

Mr. McNERNEY. Mr. Speaker, on rollcall No. 598, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. RAHALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 236, noes 189, not voting 9, as follows:

[Roll No. 599]

AYES—236

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Holt
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pallone
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—9

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Walberg

□ 2204

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Ladies and gentlemen of the House, after consultation with the minority, we have agreed that we will take the debate on the District of Columbia bill tonight. We will conclude debate, but we will roll votes until tomorrow so that we will not have to keep Members here. I've discussed this with, as I say, the minority. I've also discussed it with the Members of our side. Those who will want to participate in the debate, obviously, will remain, but there has been agreement that there will be no further votes tonight.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6842.

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

There was no objection.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1434 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. 6842.

□ 2209

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. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, with Mr. WILSON of Ohio 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 Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, today I rise in strong support of H.R. 6842, the National Capital Security and Safety Act.

The bill before us this evening has been crafted with great care and with utmost concern for the safety and well-being of our Nation's capital—its residents, businesses, visitors, and the Federal Government.

I would like to recognize and thank the gentlewoman from the District of Columbia (Ms. NORTON) as well as Committee Chairman HENRY WAXMAN for their leadership in bringing today's bill to the floor and for not turning a blind eye to the concept of home rule and self-governance by attempting to rewrite the District's new gun laws since the Supreme Court's decision in the Heller case.

The measure has been considered and debated thoroughly by the oversight committee and was approved by a vote of 21–1, which demonstrates the bill's bipartisan support.

As chairman of the subcommittee with oversight authority over the District of Columbia, I am well aware of the long history behind the District's gun regulatory efforts as well as the city's continual efforts to protect its citizens against violence and crime. As chairman, I'm also well aware of the effect that the presence of the Federal Government places on the security concerns of the District.

H.R. 6842 seeks to highlight this issue by urging the District's city council to take into consideration such issues as homeland security, military functionality, threats of terrorism, and foreign dignitary protection as they continue to amend their laws to be in compliance with the Supreme Court's Heller decision.

The measure being considered today serves as a commonsense and practical approach to ensuring the requisite protection of our Nation's capital, while at the same time supporting the District in its efforts to reform its own gun laws versus rewriting the laws for them.

□ 2215

That is the job that the District's elected officials are tasked with, not Congress, and I am happy to see that this legislation recognizes that, especially since according to information from the District City Council, efforts are already underway to address several outstanding second amendment issues from the Supreme Court's Heller decision and expressed by Members of Congress in other pieces of legislation. The Council is revisiting the definition of ''machine guns'' and ''semiautomatics'' and making current gun storage requirements advisory versus mandatory.

In light of the city's efforts today, today's bill, H.R. 6842, represents both the least and the most we should be doing at this moment and at this level. The bill upon enactment gives the District 6 months to finalize its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in District of Columbia v. Heller.

As the city continues to perform its work to produce a permanent gun law reform package, I am sure that at some point in the future Congress, under its legislative review authority, will have the chance to revisit this issue under regular and proper protocol. But until then, let us continue promoting the importance of self-government and home rule for the District of Columbia and the importance of safety and security in our Nation's capital by supporting H.R. 6842.

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

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

Mr. Chairman, there are a number of things that are less than normal procedure tonight, and I want to briefly explain what has gone on here.

We have an underlying bill that went through the Government Reform and Oversight Committee that is being offered first. The gentleman from Illinois is correct that that went through unanimously, partly after a contentious hearing and debate. Chairman WAXMAN and Ranking Member DAVIS asked if we could just move it without a lot of amendments, move it without contention, because we knew we were coming to the House floor for the major debate tonight.

In this major debate, there will be an amendment offered by Mr. CHILDERS of Mississippi that has been worked out in cooperation, proving that in fact when we try, we can work together, and that Congressman ROSS and I had a bill to overturn the D.C. gun ban. The Supreme Court took care of the need for that. The District of Columbia came back and attempted to reinstitute the ban. It became apparent from the discharge petition that the will of this House, the overwhelming majority that signed the brief to the Supreme Court, the overwhelming majority of the Senate signed a brief to the Supreme Court, and it became apparent that this House wanted a vote.

The Democrat leadership, to their credit, worked out with the NRA and the minority a bill that was acceptable to Mr. ROSS and myself and those who had been attempting to overturn this. This will be offered in the nature of a substitute tonight. The underlying bill is not what is in contention here. The underlying bill is a stalking horse for the existing law and the debate we will have here is about the existing law.

The fact is that the reason the Supreme Court overturned the existing law is that under existing law if you wanted to protect yourself in your home, you had to have a gun in a

locked cabinet, disassembled, with the bullets in another location. If somebody broke into your house and started firing, you had to go find the key, assemble the gun, find the bullets, put the bullets into the gun and hope your family wasn't dead or you were dead.

The Supreme Court argued that American citizens have a preexisting right to defend themselves, and no city or State has the right to take that away. The critical part of that decision was that a militia is in fact not a military, but the militia are the citizenry itself and have a right to home defense and to self-defense. It supersedes any right of a city to abrogate that right. It supersedes the State's right to abrogate that right. It is a right to self-defense in the United States.

Now, there will be much debate tonight about the process. But let me make a couple of facts extremely clear. Marion Barry once said that the crime rate in the District of Columbia isn't too bad, except for the murders. That is not quite right, because they are actually up in all violent crime, 67 percent, even though the city has declined in population.

Washington, D.C. has been the murder capital of the United States 15 of the last 19 years. It has been in the top three the others. The two cities that have occasionally toppled it from its top rank are Baltimore and Detroit. Both those cities have restrictive laws, in Detroit and in Baltimore as well, hardly making a case that guns do anything to protect people.

In fact, John Stossel on ''20–20'' in some interviews had some interesting points. He talked to a maximum security felon, and the unidentified male prisoner said, ''When you go to rob somebody you don't know,'' speaking as if they are armed, ''if you don't know, it makes it harder to rob them.''

He also talked to another prisoner who said, when they said don't gun laws work, wouldn't that affect your ability to get guns? And he said, ''I am not worried about the government saying I can't carry a gun. I am going to carry a gun anyway.'' This isn't about, to use the classic expression, whether criminals are going to have guns. This is about whether citizens have the right to protect themselves.

The D.C. City Council after the Supreme Court decision came back with a law that basically put variations of the restrictions again that in effect became a replacement for the previous law. In this replacement they said you had to be under imminent danger.

The general interpretation of that meant somebody had to have pulled a gun on you and was possibly firing before you could once again get your gun assembled, find the bullet and all that type of procedure. But imminent danger could possibly have been when they broke into your house, possibly when somebody is coming up a sidewalk with a gun. Quite frankly, it could possibly be in certain neighborhoods that it was so egregious that we felt we had to act. We thought the Supreme Court made it clear, but it was clear D.C. intended to defy it.

Now they are trying to come forward and say just last night, I believe, that they were going to change the law again and that congressional action was unnecessary. On what basis would we at this point trust the second amendment to the D.C. City Council? The Supreme Court said it is a preexisting right to defend yourself, and that is what the debate is going to be about tonight.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman and thank him for his leadership, and I rise in strong support of the bill and strong opposition to the amendment that will be offered.

Ladies and gentlemen, put this bill in context. I am not sure whether there were 435 of us, I don't know the total vote, but let's say 430. 430 of us this night, this night, voted either to give the States the option to opt out of one of the most important issues confronting us, and that is using American resources for our energy needs, or the other half voted to let the States opt in. So hear me. Everybody on this House floor voted to allow the States either to opt in or to opt out. Pick your bill. But the premise was the same, that States had the authority to act themselves.

The amendment to be offered rejects that and imposes, not on Detroit that the gentleman mentioned, there is no legislation on the floor about Detroit, Michigan. There is no legislation on this floor about Indianapolis, Indiana. I don't know what their gun law is. And, very frankly, there is none about Hartford, Connecticut, or Baltimore, Maryland. But the District of Columbia comes here, unfortunately defenseless, from the perspective of some on this floor. Their defense is us.

But let me speak to this. 220 years before this Capitol had been imagined and when this city was a swamp, our Founders were asking a question we still hear echoed in the District to this day: How could they establish a Federal city, cut it out from its home State and put it under the rule of Congress without violating the principles they had just fought a war to secure? That was their question. Government comes from the consent of the governed. That is a principle we hold dear, asterisk, except for the 600,000 people who happen to live in Washington, D.C.

In the 43rd Federalist Paper published in 1788, James Madison answered the question that was posed, that our authority over the District would be legitimate only if some basic guarantees were in place. The Government, and I quote, ''will no doubt provide for the rights and the consent of the citizens inhabiting it.''

In other words, James Madison thought we would surely secure the rights of the citizens of the District of Columbia. And when we refer to the citizens of the District of Columbia, let us, my friends, be more expansive: Citizens of America who happen to live in the District of Columbia, and, but for Maryland's generosity, would live in Maryland. They are citizens of America who happen to live in the District of Columbia. But should they be disenfranchised because they happen to live in this square that we call the District of Columbia?

He went on to say, and ''a municipal legislature for local purposes derived from their own suffrages, will of course be allowed them.'' That is the options to make their policy.

Now, listen to the confidence with which Madison wrote. His words suggested that ''no doubt,'' ''no doubt,'' Madison said, that surely the Congress of the United States and the Founding Fathers who had expressed the rights of our citizens would respect those rights, wherever those citizens might reside. And that ''of course'' they will be citizens, not subjects, unlike apparently those in Indianapolis or in other cities.

I think his confidence would be shaken if he could hear this debate, if he could see what a congressionally imposed gun policy would do to the District's right to govern itself.

We can argue back and forth the gun policy. What we cannot argue back and forth is that the District of Columbia citizens have the right and should have that right to govern themselves. That is the principle that is at stake here.

I will leave the argument over gun rights and gun control to other Members. We have a gun law in Maryland. It works well. I don't get any complaints about it. If I did, I would have to address it. I wouldn't expect you to address it, unless you wanted to pass a Federal statute. This is not a Federal statute. This is a statute for one area.

Whatever conclusion this House comes to, we are really confronted with a much more fundamental question, as I said: Do we impose that decision on those who have had no say in it, or do we pass the Norton bill as introduced, which I am in favor of, and require the people of the District of Columbia to comply with the Supreme Court's decision through local legislation, as all of us have to do? No more, no less.

The people of Maryland need to comply with the Constitution, as do the people of the District of Columbia. But you don't interpose your judgment. In fact, somebody repairs to the courts and the courts decide. The courts decided in this case, and the District of Columbia is moving to comply with the Court's decision.

You may disagree with their compliance, and indeed somebody may take it to court and the court will say, no, District of Columbia, you didn't do it right. That happens to us all. But we should not interpose our own judgment. Madison believed that would not be consistent with our principles.

If Congress imposes a gun policy on the people of D.C., are we meeting any of those conditions? Are we providing for their rights and consent? No. They do not have the right to consent to anything that goes on here.

Do they have a ''voice in the election of the government which is to exercise authority over them''? Well, yes, in a way they do. They elect Ms. NORTON. We don't give her a vote. That is wrong. They elect their council. They elect their mayor. But, oh, by the way, if we don't like your policies, we will overturn them. Not because a court has found them to be unconstitutional, but because we interpose our judgment. Madison would have thought that was wrong.

Where is their equal vote in this Congress? Are they allowed a ''municipal legislature for local purposes''? Well, yes, sort of, but subject to our interposing our own judgment for theirs. We are not elected to be local city council persons. Well, the City Council still meets. But on this supremely local and sensitive issue, we are preparing to silence it.

□ 2230

The principle of federalism, which so many of my colleagues profess, say that local problems are best tackled locally. That is why I suggest 435 of us, there weren't 435 that voted, but unanimously voted, either to allow individual States to opt out of an important policy, or to opt in to an important policy. But we gave those States that right. Both sides gave it to them. Every one of us voted for that option, and we turn around and say, oh, but we are not going to give that option to the District of Columbia.

The closer you get to the problem, the more direct knowledge and direct accountability you find. While we in Congress may be close physically, we are still a world away from the gun violence the D.C. Council is struggling to confront, all the while upholding the Court's decision.

They know they have to do that. They know the Court will oversee it. Let the law operate as it was intended to do, and if they do not comply with the Supreme Court decision, the Court will say so.

I ask my colleagues candidly, who is better equipped to make these difficult decisions, Congress or the people of this community? The people of our communities believe that they are best qualified to make their local decisions.

I don't know how you can call yourself a Federalist and answer Congress. A conservative columnist put it well a few years ago. ''You can't favor federalism for only ideas you like.''

Federalism is about allowing local and State governments to make decisions you don't like. So the ultimate issue here is not guns, it is a question of who here is prepared to be consistent in their principles, and of who here is prepared to respect the District's right of self-government, as was referred to by James Madison, which he said, the founders, which I am saying, the founders, took for granted.

I urge my colleagues to support this base bill. Whatever position you have on guns, this is an issue of federalism and principle and local option, local government.

You voted that way for the States on energy. Vote that way for the citizens of the District of Columbia.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Our attempt to reverse the D.C. gun ban was upheld by the Supreme Court, because, in fact, Detroit hasn't, Indianapolis hasn't, no city in the United States attempted to ban handguns, which 85 percent of American people defend themselves through handguns.

The second amendment is not any more than when the Supreme Court ruled on integration that States could stand in defiance of a court ruling. States, cities, nobody has a right to stand in defiance of a court ruling.

Mr. Chairman, I yield 3 minutes to my colleague and friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, for many years, Washington, D.C. has had the distinction of being the murder capital of America. It's very high as far as crime is concerned, right up at the top.

I want to tell you a couple of stories, and I hope my colleagues on the other side of the aisle listen to this. I had a gal that worked for me, a young lady that worked for me as my secretary, years ago. She lived about four blocks from the Capitol, and one night she had her window opened this much on the second floor. A guy shimmied up the drain pipe, came in with a 4-inch knife and stabbed her four times. The only way she could protect herself was to hit him in the head with a pan. She couldn't have mace, she couldn't have a gun, and so she was at his mercy.

When I first got elected, I took a cab to the Capitol. On the way in, I said to the cab driver, I said, tell me about Washington, D.C. He said, ''Oh, it's a beautiful place, but there is an awful lot of crime.'' I said, ''Back in Indiana I used to carry a lot of money in my business, and I had a gun permit. Maybe I should get one here.'' He said, ''Oh, you can't get a gun permit here in Washington, D.C. Nobody has guns here except the police and the crooks.'' He reached under the front seat of his cab and pulled a .38 out and says, ''But if you want one of these, I can get it for you in 15 minutes.''

Now a person who wants to defend themselves and their family in this city, and they want to do it legally, they are at the mercy of the people who can get these guns in 15 minutes.

The record shows that this has been a murder leader and a crime leader across this country, because criminals know if they break into your house, you don't have any way to defend yourselves. That's why the Supreme Court made the decision that it did, because people have a right to protect themselves.

You know, I live across the river in Virginia. The crime rate over there in Alexandria is much, much lower than it is here, and it's because the people have the right to defend themselves and their property in their own homes. If they want to, they can get a gun permit to carry a gun to protect themselves.

That's the way it ought to be in Washington, D.C., and it isn't. As a result, we have had Members of Congress mugged, the former minority leader of the House was mugged, beaten half to death. Two of my staff people have been mugged and beaten, one of them twice, and he took their money. They had no way to defend themselves, none, even in their homes.

Now, we are not asking you to give gun permits to everybody that's walking around the streets, but they ought to at least have the right to have a gun in their home to protect themselves if somebody breaks in.

I want to end up by saying this, I think this is a beautiful capital, I enjoy being in Congress, but there is no way in hell I would live in this city. I live across the river where it's safe.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 4 minutes to the primary author of the Norton bill, Delegate ELEANOR HOLMES NORTON from Washington, D.C.

Ms. NORTON. I thank the gentleman for yielding and for his principled work on the bill.

Tonight, just 7 years after the attack on the national capital region, not 7 days after our own tearful commemoration of that attack, the NRA has put a gun at the back of Members of this House and forced a debate, a late-night debate, on a bill that throws off of the roof of the Capitol all concern for homeland security that we have spent the last 7 years paying lip service to.

Now, the NRA may know how to write a bill to repeal gun safety laws, we have stopped that four times, but they certainly don't know how to write a gun bill. They forgot the indelible link when it comes to gun safety between the District of Columbia and the Federal sector, which are joined at the hip. They are twins. You can't get up without getting yourself, and so this time you step right in it.

Fortunately D.C. knows both sides because it has been in the business of protecting both for 208 years. Under the Home Rule Act, if it fails to protect the Federal sector, justifiably, its laws can be overturned. We have made in order, and I am grateful, boy am I grateful to the Chair of the full committee, Mr. WAXMAN, for putting his energy, the energy of his staff and his principled commitment to States' rights and to the sovereignty of all Americans, to the bill which is the Waxman-Norton bill.

It requires the District to respond adequately within 180 days. That's the

limits of what you are entitled to do. If they don't do it, then you are entitled to step in.

The fact is the District of Columbia has been working on a bill ever since a Supreme Court decision on June 26. They started the very next day. It's the Supreme Court, the final arbiter of all of this, that has required the District to rewrite the law. A narrow bill, 5–4, say you tailor it, each and every one of you, to your convictions. That's what has been done, has been done. So all of this talk about what it used to be before the Supreme Court, is used to be.

Now, what this District has done and signed, I am sure Members haven't even taken any note of. But it wasn't much influenced by the NRA threat, the way Members who support this substitute were.

Sure, it permits some of the things that were always intended, some of the things in the substitute, because it does allow—I read the Supreme Court decision—it allows unlocked semiautomatic guns in the home, as the Supreme Court required. But most of what is reckless in this substitute you won't find in D.C.'s bill.

Of course, the bill came down from the Supreme Court as the Council was about to recess for summer, so they had to pass a stop-gap bill just to allow registration. They did that in good faith, and what did they get for it? What they get for it is the Souder bill all over again, which he, of course, put in.

That's the mirror image of this bill. He put the mirror image of this bill in in March of 2007 before the law was overturned. Now they come back with it after the law has been overturned and after D.C. has already, in fact, passed the law signed by the mayor.

They fastened on to the substitute that keeps them looking like complete idiots, so they fastened on to the substitute knowing full well that it was a stop-gap measure. The bill that is before you, the substitute that you will have to consider, is not the idea of any Member, it was written by the NRA, mandated by the NRA. Most Members would not, I will say, in your behalf, have cosponsored this bill.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield another 30 seconds to the lady.

Ms. NORTON. They would not have cosponsored this bill. They looked at the NRA label and signed onto this bill. Why? Because the NRA wanted to flex its muscles. They held the House up for now.

What you see, though, is what you get. It's a bare bill, federalizes all D.C. gun laws, won't be able to change it no matter what the need, no regulations, introduces military-style assault weapons into the Nation's capital that children and adults can possess, allows gun running across State lines into Maryland and Virginia, just what Federal gun laws have kept us from doing for decades, allows assault weapons to be owned by juveniles and by people just released from mental institutions.

That's what you get if you don't vote for Waxman-Norton, if you do, in fact, vote for the substitute, the reckless substitute that no Member should want to have anything to do with or have his name attached to in any way.

Mr. SOUDER. Just for the record, the substitute is Mr. CHILDERS', a Democrat's bill, not my bill.

I yield 2 minutes to Mr. JORDAN of Ohio.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 6842, and in support of the Childers amendment, I support the amendment for three reasons, first it's just basic respect for the second amendment. The founders got it right when they put the second amendment right after the first.

Our founders understood how important this principle was in ensuring our basic freedoms in a constitutional republic.

I want to support the Childers amendment also for the fact that it respects the Supreme Court decision in the Heller case. This bill, in its current form, would allow for restrictions and regulations to be imposed that run contrary to the expressed opinion in that court decision.

When given the chance to implement commonsense legislation that protects the second amendment rights and respected the Supreme Court, the D.C. City Council instead enacted an emergency bill, completely in defiance of the Court, that banned most semiautomatic pistols, the firearm most often used by families to defend themselves.

They banned operable firearms in the home, requiring an individual to assemble and load and fire them only after an attack is under way and instituted costly and intrusive and convoluted registration process.

Finally, the last reason, I think, that the Childers amendment makes so much sense, is it's just good common sense. As the individual from Indiana pointed out, criminals aren't stupid, they are just bad.

Bad guys aren't dumb, they are just bad, and here is the dynamic that is at work. If you have a bad guy, a bad guy out there on the street trying to figure out which home he is going to rob some night, and there are two adjacent properties side by side. In one driveway is a pickup truck with a gun rack and a bumper sticker that says, ''I love the NRA'' and ''Palin for President.''

In the very next driveway, you have a Volkswagen with a Greenpeace bumper sticker and, respectfully, ''WAXMAN for President'' bumper sticker as well, which place do you think he is going to target for a crime?

That's the dynamics that is at work here. Criminals now have to stop and think, as previous speakers have pointed out, about this family may, in fact, be now able to exercise their second amendment rights to protect themselves, their family and their property.

That's the basic fundamental constitutional right we want to protect with the Childers amendment. That's why I oppose the underlying bill and support the amendment.

□ 2245

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 3 minutes to the chairman of Oversight and Government Reform, Mr. HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman, the bill that is before us is a very simple bill. It directs the District of Columbia to comply with the recent Supreme Court decision in the Heller case which held that the second amendment gives individuals the right to have a handgun at home for personal protection. The Heller decision is now the law of the land, and the District of Columbia, just like every other State or local government in this country, has a legal obligation to follow it.

Our committee, the Oversight and Government Reform Committee, has jurisdiction over the District of Columbia and so our committee reported this measure last week to underline the District's legal obligations. The bill tells the city government in very clear, unequivocal terms that it has to conform its law to comply with the Heller decision. It even sets a deadline for the District to complete this effort in 180 days.

This measure, sponsored by Ms. NORTON and myself and others, was adopted by the committee of jurisdiction by a vote of 21–1. An amendment could have been offered like the amendment that is being offered today. It was not offered in committee. The committee recommended on a vote of 21–1 on a bipartisan basis that we support this legislation.

Now I know there is going to be an amendment proposed to this bill, but that amendment would trample on the principle of home rule for the District. If the District of Columbia adopts legislation that complies with the Supreme Court, it is no business of any Representative from other areas in this country to override the decision of the District of Columbia.

D.C. residents are the only Americans who pay Federal taxes but are denied a vote in Congress. That is fundamentally wrong, and when Congress overrules the City Council and the mayor, we compound that wrong. The District I believe is acting responsibly, and I think we ought to let them pursue their legislation to comply with the Supreme Court decision.

I ask my colleagues to imagine how you would feel if the Congress of the United States tried to dictate the gun laws or any other laws for your district. I think you would be outraged. Yet that is exactly what some Members want to do today.

Now we are going to have a substitute amendment that will be offered to Congresswoman NORTON's bill that does more than trample on home rule. It is also an exceptionally dangerous

proposal. It repeals key safeguards the District has established to protect our Nation's capital and the many officials who live and work here. Even basic commonsense measures like gun registration which tells law enforcement who possesses a weapon and enables background checks would be repealed.

I urge support of the underlying bill and rejection of the substitute.

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

I want the record to show because I have great respect for the chairman of the Government Reform Committee, but the fact is I had talked to the minority staff about my concerns with some of the language of this bill because I believe it has factual mistakes in it that suggests that actually handguns endanger people rather than protect people.

But I talked to the chairman and to the ranking member, and the hearing that we had had been agreed to by both sides and we went through the process. You specifically told me you will get your vote on the floor and let's not have a fight in committee, so I didn't offer a series of amendments. I certainly had the right, but I chose not to do it.

Mr. WAXMAN. Will the gentleman yield?

Mr. SOUDER. I yield.

Mr. WAXMAN. You certainly had a right, but you chose not to exercise that right. It was up to you. What we discussed was that we have a clean vote on the substitute and a clean vote on the bill.

There might have been a misunderstanding, but it was on your part.

Mr. SOUDER. Reclaiming my time, did you not ask me if we could just have the vote and not have a bunch of amendments?

Mr. WAXMAN. No. If the gentleman would yield, I said to you if you would offer your substitute, we will vote on it, we will offer the underlying bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. SOUDER. Mr. Chairman, I yield myself an additional minute.

Reclaiming my time, you said can you just offer your substitute, and we knew we were going to have that vote on the floor. But what I said was I had a series of amendments, and in discussion with the majority and the minority, I'm not objecting that I didn't have the right to do it; I certainly had the right to do it. What I am objecting to is we had a process that both sides had roughly agreed that we weren't going to challenge the underlying bill. We keep hearing that the underlying bill passed unanimously. It did not have unanimous support in the committee. If we would have had a forced vote, we would have polarized on this, as we would have on the bill.

We have moved the bill forward, and that was my point. I believe we are having that debate tonight, but it should not be taken by Members of Congress that there was a unanimous vote in support of this bill as opposed to the substitute that is coming from Mr. CHILDERS.

I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a senior member of the Oversight and Government Reform Committee.

Mr. SHAYS. I thank the gentleman for yielding, and I don't intend to take 3 minutes, but I do want to weigh in.

In 1993 or 1994, the assault weapon ban passed the House by one vote, and it resulted in the defeat of a number of powerful Democrats and may have resulted, in fact, in the Republican Party gaining the majority. This is not an easy vote for Members to take, and I had some Members suggest I won't be the next chairman or ranking member of the Committee on Government Reform if I step up and speak in favor of something I believe in. Obviously that is not a sensible thing to tell any Member.

The bottom line for me is this: I believe that people have a constitutional right to bear arms and the government has a constitutional responsibility to regulate that right. That's what I believe. I believe it has to conform to the Constitution of the United States.

I believe the Supreme Court has declared what the District of Columbia has outlined in banning handguns. They declared it as unconstitutional and they said come back with a law that is constitutional. It seems very reasonable to me that we would give the District of Columbia an opportunity to comply with the ruling of the Supreme Court without our bringing our own particular views to this issue.

During that debate I was in good company. Leading the debate for the Republicans on the assault weapon ban was Henry Hyde, a revered Member of this House. So there are obviously differences of agreements on what we should do. But what we should do is speak our mind as we see it and obviously live with the results of that as it impacts individuals.

People have a constitutional right to bear arms. The government has a constitutional responsibility to regulate that right. The District of Columbians are Americans. They don't have a full-fledged Member of Congress, though I would say Ms. NORTON is full-fledged with me but she does not have all of the powers she deserves. I hope some day she has those powers.

I agree with the majority leader when he said you can't favor Federalism for only the ideas you like. The bottom line for me, in the spirit of Henry Hyde, I believe that the District of Columbia should have the right to make this decision and abide by the Constitution of the United States.

Mr. DAVIS of Illinois. Mr. Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Illinois has 17 minutes remaining. The gentleman from Indiana has 15½.

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in strong support of H.R. 6842, the National Capital Security and Safety Act. It is a commonsense bill. This bill puts the District of Columbia on notice that it must comply with the Supreme Court's decision and directs the men and women elected by the citizens of our Nation's capital, along with the District's law enforcement officers, who put their lives on the line every day to do their jobs and to determine how best to comply with the Court.

Capital Police Chief Morse and D.C. Metropolitan Police Chief Cathy Lanier testified before our committee, and I trust them when they express their grave concerns about more guns, more powerful guns on D.C. streets. But rather than listen to Chief Lanier and Chief Morse, there will be a substitute amendment offered on behalf of the National Rifle Association with complete disregard for the American families that live in Washington, D.C.

The substitute amendment would allow for more guns designated solely to kill people on D.C. streets and surely result in more money in the pockets of gun profiteers and the possibility of more fund-raising dollars for pro-gun candidates.

To all the brave hunters on the floor tonight fighting to protect the rights of hunters, there are no bucks, bears or boars to shoot on the streets of D.C., but there are innocent children, women and men who will be shot as they are caught in the crossfire in a city loaded with guns designed to kill.

In our Nation's capital with all of the homeland security considerations, I simply cannot understand why we deny elected local officials from taking commonsense measures to comply with the court and at the same time ensure the safety of our residents, our dignitaries, and our guests.

Mr. Chairman, we talk a great deal about listening to military leaders on the ground in Iraq. Why aren't we taking our own advice and listening to our law enforcement leaders on the streets of D.C.?

As a supporter of the second amendment to the Constitution, I stand with law enforcement for safety, security and sensible gun laws. I urge my colleagues to support H.R. 6842 and reject the NRA's amendment that would facilitate the senseless proliferation of weapons of human destruction in our Nation's capital.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

I want to remind people again not to forget during this debate that Washington, D.C. has been the murder capital of the United States 15 of the last 19 years, and the other four they were in the top three. Let's don't act like what we are doing is making it dangerous in this city.

Mr. DAVIS of Illinois. Mr. Chairman, I would just say you can certainly kill more people with automatic weapons.

I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Chairman, let's start with something we can all agree on, that the Government of the District of Columbia should pass a local law that conforms to the recent Supreme Court decision. They have done that now. As of today, the Government of the District of Columbia has passed legislation that complies with the Supreme Court ruling.

So what is the issue before us today? It is not whether they should comply with the constitutional ruling, it is who gets to decide what new constitutional law they can put in place and whether or not this body should play D.C. City Council, or whether we should pretend we are 435 mayors of the District of Columbia and substitute our judgment for the judgment of the elected leaders of our Nation's capital.

You know, people in this body often talk about the importance of local decision-making, and we have to listen to the people close to the ground. That is great to say, but the actions, at least in the substitute bill, suggest that we are not serious in that respect about what we say because what this substitute bill does is takes away from the people of the District of Columbia the democratic rights that all of our constituents have in cities and States around this country.

Mr. BURTON mentioned he lived in Virginia when he is near the Nation's capital and how he feels safe there. Virginia has a law that says you can only purchase one gun a month. So does my State of Maryland, one gun a month.

What this substitute bill says is the people of the District of Columbia, they can't pass the same law that the people of Virginia and people of Maryland have. That is absolutely wrong.

I represent a district that is a neighbor to the Nation's capital. This bill eliminates for the purpose of the District of Columbia the ban on interstate trafficking of guns that applies to every other jurisdiction of this country that not only puts at risk the people of the District of Columbia but puts a burden and a risk on the people of all the surrounding jurisdictions. Why would we allow that provision which applies throughout the country just to the District of Columbia?

□ 2300

Why are we substituting our judgment for the decisions of the people of the District of Columbia when they are conforming to the Constitution of the United States, including the most recent ruling?

Mr. Chairman, we should support this bill and oppose the substitute.

Mr. SOUDER. I yield myself 1 minute.

Article I, section 8, clause 17 of the U.S. Constitution gives Congress the power to ''exercise exclusive legislation in all cases whatsoever over the District.'' That was done by our Founding Fathers.

Two hundred and fifty Congressmen signed the amicus brief that said that they felt the DC gun ban should be overturned. Fifty-five Senators signed the amicus brief that said that the DC gun ban should be overturned because it violated a basic constitutional right and, according to Heller, was a pre-existing right to defend yourself, even without the constitutional question.

This is not about being a City Council. I don't believe, obviously, you could do gun limitations. The Heller case said there can be limitations. But DC came back with, in effect, a total ban all over again. The reason you have to have interstate commerce is, guess what, they passed a new ban, but there's no gun stores with which to get one gun. The Childers amendment, as I understand it, has a temporary ability to get guns elsewhere because there is no way to defend yourself in the District of Columbia because you can't buy a gun and bring it. And that's why that particular clause is in, regardless of the claims contrary, that this is not about being a State government because in fact——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional minute.

That this isn't about whether or not we're usurping State government powers because the State, there isn't a State. We are, in effect, the State government. Normal cities have a State with which to work a check, and it's not a matter of city.

When it comes to a constitutional right, whether it's freedom of speech, freedom of religion or any basic right, no City Council has a right to take away.

Mr. VAN HOLLEN. Would the gentleman yield?

Mr. SOUDER. I would be happy to yield.

Mr. VAN HOLLEN. If you agreed that the District of Columbia had a gun law that was consistent with the recent Supreme Court ruling, would you then agree to abide by the democratic decisions of that elected government?

Mr. SOUDER. To answer the gentleman's question very directly, my assumption was, after the Heller case, that my bill was dead and that we would not have to revisit it in Congress. I was outraged by the actions of the District of Columbia, and that led to the process of working with those who signed the brief, including Mr. CHILDERS, who's doing the amendment, Mr. ROSS, on your side who had been there to act. I did not believe that the District of Columbia was going to do such an egregious bill that said you had to be in imminent danger that put most of those controls in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds.

There is no reason to believe that an action on the eve of legislation in Congress is in good faith by the DC Council.

Mr. VAN HOLLEN. Well, if the gentleman would yield.

Mr. SOUDER. I yield to the gentleman.

Mr. VAN HOLLEN. It was an emergency piece of legislation. It is now the law of the District of Columbia. I don't know if the gentleman's had a chance to review it. But if there's agreement by people reviewing this DC gun law that it is consistent with the U.S. Supreme Court decision that came down recently, then would the gentleman agree that we do not need to move forward with the substitute piece of legislation?

Mr. SOUDER. Reclaiming my time, it's Mr. CHILDERS, and obviously the Congressional process has started. I have no faith, that the current is a gimmick, that it will stand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds. And thus we are at this point in the process. Obviously, if the DC government enacted legislation that Congress had faith in, that this bill would likely not go through the Senate and be signed by the President. But we are now moving a bill through that had been agreed upon a number of weeks ago, that I believe is necessary, that I don't believe the DC Council acted in good faith. But we shall see.

But the vote's here. We're voting on a Democratic amendment tonight that's been agreed to, that the majority of this House, that the majority of the Senate agrees with, and I think, at this point the United States Congress has lost faith in whether the——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 15 seconds.

This Congress has lost faith in the willingness of the District of Columbia to defend the second amendment which is a constitutional right guaranteed by a Supreme Court decision.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland, Representative ELIJAH CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I rise today to express strong support for H.R. 6842. I was proud to join Mr. WAXMAN and other members of our committee on Tuesday when we passed this bill out of the Oversight and Government Reform Committee.

Mr. Speaker, I find it odd that certain individuals in Congress feel the need to weigh in on this subject now when it is still in the process of being resolved.

Specifically, H.R. 6691, legislation introduced by Representative CHILDERS, entitled the Second Amendment Enforcement Act, which will be offered as an amendment in the nature of a substitute, goes far beyond the court's intent. This amendment flies in the face

of the Heller decision by prohibiting the District of Columbia from enacting any future laws or regulations that discourage or eliminate the private ownership or use of firearms.

Aside from my concerns about whether Congress ought to weigh in on what is essentially a local issue, I seriously question whether Representative CHILDERS or any other Member of this body would appreciate Congress determining the gun laws in their congressional districts.

The proposed legislation is simply bad policy. We can all agree that different communities, whether they are urban, rural or suburban, require different types of regulation. The District of Columbia in particular presents a unique case.

No one in the Congress can tell me that they do not understand the specific homeland security issues that the National Capital region faces. We have allocated millions of Federal dollars to secure this city because we recognize that we are all still sitting in one big target.

With the number of U.S. officials and foreign dignitaries who live, work and travel here every day, it's simply astounding that there are not more acts of violence than we currently have. This is a tribute to the fine work of the law enforcement officials who patrol these streets and I, for one, simply cannot understand why we would fail to give them all the tools they need to do their work effectively and efficiently.

Let's be clear. They support this legislation. Allowing an individual to own an unregistered AK–47 in our Nation's Capital is pure insanity. And so I support the legislation, and I would ask our Members to vote against the substitute.

Mr. SOUDER. I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to a strong proponent of sane, sensible gun legislation, Representative CAROLYN MCCARTHY from New York.

Mrs. MCCARTHY of New York. I thank the gentleman for the time.

Mr. Chairman, I rise in opposition to the Childers substitute amendment to H.R. 6842, the National Capitol Security and Safety Act, that would get in the way of the democratic process currently underway to reform the District of Columbia's gun laws and dictate to the district what all gun laws must be.

When the Supreme Court came up, in one way I was very happy because I think almost all of us have agreed in one way or the other, that people have the right to own a gun. But now I'm disappointed to see that we're actually overturning what the Supreme Court had said. They basically said the Court ruled that the second amendment right is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. That's a quote, unquote from their wording.

We have an obligation to keep our communities safe from gun violence. I believe that the Heller decision actually allows us to move ahead to create commonsense gun laws that do not hinder the right to gun ownership but rather keep guns out of the wrong hands and keep communities and individuals safe from gun violence.

My colleague from the other side basically said, D.C. doesn't even have gun stores so the residents can't buy guns. That's not true. There is a gun store in the D.C. area, and I'm sure within a year we'll see many other gun stores there.

Heller paved the way for Congress to move forward on passing the kind of laws that will protect our communities and where we work and certainly in the D.C. area.

The District of Columbia is fully committed to appropriate response to Heller and reform its gun laws in a manner that is consistent with the rulings in the decision.

Make no mistake. This is not a battle, again, about is there a right to own a gun. The courts have put that out. D.C. is applying to that.

The District enacted temporary legislation in response to Heller, the Firearms Emergency Amendment Act of 2008 on July 16, 2008, which will only remain in effect for 90 days as the District is currently drafting permanent laws that would fully comply with Heller.

Why are we doing this? What is the rush?

You know, we, unfortunately, have seen D.C. go under some terrible times. But, again, I will say to you that again changing our laws or having this Congress dictate to D.C. is not the right way to go. The Mayor and the City Council are tasked to make sure that this occurs.

Unfortunately, some Members of Congress want to circumvent the democratic process underway in the District of Columbia.

The Heller decision clearly states that local governments can enact their own appropriate restrictions on gun ownership. Let me say that again. The States and local governments can enact their own appropriate restrictions on gun ownership.

However, the substitute amendment, based largely on H.R. 6691, would dictate to the District of Columbia what gun laws it must be.

H.R. 6691 will repeal the District's ban on most semi-automatic weapons, preempting many of the District's regulations on gun possession, including gun registrations.

Let me say this. We have a battle with the NRA. The battle has always been the right to own a gun. I'm not arguing that. The Court has stated that. The District has the right to write their own laws.

Mr. SOUDER. May I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Indiana has 11¾ minutes. The gentleman from Illinois has 8 minutes.

Mr. SOUDER. I yield myself 2 minutes.

We earlier had an exchange with my distinguished colleague and friend from Maryland about whether it was needed for us to pass legislation. Let me read from washingtonpost.com right after the Supreme Court decision.

''Mayor Adrian Fenty and his feisty Attorney General, Peter Nickles, stood on the steps of the Wilson Building this week ostensibly to announce how the District will comply with the Supreme Court's rejection of Washington's ban on handguns. But really, they were delivering very much the opposite message. With only the narrowest of exceptions, we're sticking with our gun ban. Don't like it? Sue us.''

Quote, ''I am pretty confident that the people of the District of Columbia want us to err in the direction of trying to restrict guns,'' Fenty told me, smiling broadly at the suggestion that what he's really trying to do is make it as hard as possible for Washingtonians to keep a loaded gun at home.''

Nickles, the Acting Attorney General said, ''it's clear the Supreme Court didn't intend for you to have a loaded gun around the house.''

Quite frankly, that isn't what the Supreme Court said. The Supreme Court says you have a right to have a handgun in your house to protect yourself; that if this bill was, in fact, just what the D.C. City Council was doing, then it won't harm for us to pass this bill. The only danger is if the City Council really doesn't mean to protect the second amendment.

We have lost faith. Statements like this were outrageous after the Supreme Court decision, and that a coalition in this House, something that's rare, a majority of Members working together on both sides of the aisle, working—and NRA has been spit out of some people's mouth like it's some kind of evil organization. The NRA represents gun owners and people who believe in family protection all over America. I am not ashamed to be proud that I work with the NRA. And there are Members on the Democratic side, Mr. CHILDERS is offering the substitute amendment with the support of the Blue Dogs and we've worked together, 250 Members, 55 in the Senate. And it's made to sound like it's some kind of little minor group that wants to take over the City Council of D.C. It's a majority of America. It's a majority of the House, the majority of the Senate, this administration who say the second amendment should be protected. And just because you live in a city that wants to take it away doesn't give that city the right to take it away.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California, Representative LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, sensible gun laws and reasonable restrictions are fully consistent with the second amendment. That's what the Supreme Court said when it ruled on the D.C. gun ban in June, and that's what this bill, H.R. 6842 does.

However, the proposed substitute amendment to this bill undermines commonsense protections in our Nation's Capital, particularly at a time when gun violence threatens our children and their families.

By legalizing semi-automatic assault weapons, repealing criminal and mental health restrictions for owning guns, and ending registration requirements for firearms, this amendment jeopardizes the safety of the families who live in Washington, D.C. and those who visit.

□ 2315

This substitute goes so far as to eliminate the vision test for owning a gun and repeals D.C.'s safe storage laws preventing D.C. from prohibiting people from storing loaded firearms near children.

Allowing people to go out and buy a gun the day after being released from a mental institution is reckless, not responsible; putting the same weapons in the hands that killed 32 students and faculty at Virginia Tech and 13 students and teachers at Columbine is reckless, it is not reasonable; removing the requirement that they register these guns is reckless, it is not reasonable.

I urge my colleagues to join me in opposing this substitute amendment and support the underlying bill because the safety of every person who steps foot in this city depends on it.

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to my friend and colleague from Georgia (Mr. BROUN).

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

I was sitting in my office listening to this debate, and it occurred to me there was an interesting experiment done a number of years ago. The City of Morton Grove, Illinois, which is a suburb of Chicago, put in a ban on handguns. They outlawed the ownership of guns in Morton Grove; and in response to that, the City of Kennesaw, Georgia, enacted legislation within that community that required the ownership of firearms within that community.

Both of these are very similar communities. Morton Grove is just outside of Chicago; Kennesaw is just outside of Atlanta.

It was very interesting what happened with this social experiment. The crime rate, the murder rate, the assaults, the rapes, every measure of crime in Morton Grove, Illinois, rose exponentially. In Kennesaw, Georgia, the crime rate plummeted and is still low even today. The Kennesaw ordinance allowed people who didn't want to have firearms in their homes a method of having conscientious objection to doing so. But it's a very interesting experiment.

I hear from the other side all of these rants and raves and anger even expressed tonight over the substitute amendment supporting the bill. Well, the fact is the underlying bill does not support the second amendment, it is anti-second amendment; and frankly, according to the Constitution, we have a pre-existing right prior to the Constitution to own firearms and to protect ourselves. And that's what this substitute would help allow to happen in Washington, D.C.

Washington is not a State. It's not a city, according to all of the other cities in the country. It's very unique. And this body has the prerogative, has the responsibility under the Constitution to set the laws and to monitor what is going on in Washington, D.C.

I hear claims on the other side that the substitute amendment would legalize AK–47s. Well, that's not factual. I hear that it will allow mentally deficient people to have firearms. That's not correct. I hear so many claims on the other side and every single person that I have heard come to this floor making these outrageous, incorrect claims are all on record of being anti-gun, anti-second amendment, and want to outlaw guns, register guns, and want to get guns out of the hands of individuals.

We have an individual right to protect ourselves. We have an individual right to own a firearm. And what this amendment will do is it will allow the people of Washington, D.C. the right to protect themselves. It's inane to think that somebody can't have a gun and own that gun and have it loaded.

It's inane to think that somebody has to have a gun unloaded or locked or taken apart because if somebody's breaking into your house, if they're robbing, raping, pillaging, you don't have time to put those firearms together, even the loaded firearm.

We know from the experiment in Morton Grove, as well as Kennesaw, Georgia, that owning firearms within a community actually decreases crime and makes people safer.

So I encourage the Members of this House to vote for the substitute amendment and vote down the underlying bill.

Mr. WAXMAN. Will the gentleman yield?

Mr. BROUN of Georgia. Yes.

Mr. WAXMAN. Is it your position that the amendment that will be offered does not allow AK–47s?

Mr. BROUN of Georgia. It does not allow AK–47s.

Mr. WAXMAN. The gentleman is incorrect.

Mr. BROUN of Georgia. An AK–47 is a fully automatic machine gun. Machine guns are very strictly controlled and have been for decades. This will not allow machine guns.

Now, there are many on that side that think if a gun is an autoloader, that it's a machine gun. It is not. A machine gun, you pull the trigger, it fires multiple times with one pull of the trigger. This bill does not allow that. A semi-automatic would allow one shot with one pull of the trigger. There are shotguns that do that, there are pistols that do that, there are rifles that do that.

The CHAIRMAN. The gentleman's time has expired.

Mr. DAVIS of Illinois. Mr. Chairman, I'm absolutely certain that the people in Morton Grove, Illinois, would not suggest that they have a high-crime community.

It is my pleasure to yield 2 minutes to the gentleman from Georgia, Representative JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in support of the bill and against the amendment.

Members of Congress, you are not the mayor of Washington, D.C., you do not sit on the City Council, you have not been ordained to stand in judgment. I dare you to act as judge and jury and sentence the people of the District of Columbia to unfettered access to guns.

Some of my friends have fought tooth and nail against too much government intervention. So how could you suggest tonight that Congress circumvent, disregard, and disrespect the rights and freedom of the citizens of this city?

D.C. residents have made it crystal clear they want to limit the proliferation of guns in Washington to protect all of its citizens, including Members of Congress, staffers, even the President of the United States, who all live and work in this city.

The amendment would nullify the will of hundreds of thousands of voting Americans like they don't even exist. They are citizens of America. They are human beings.

We all heard the news of a few weeks ago: 11 people were shot, wounded, some even died on the streets of Washington in one night. How many more people will die? How many more victims will be robbed when they stare down the barrel of a gun?

As Members of Congress, you may believe what you will. Maybe you truly think that when everyone bears arms, the city will really be safer. You have a right to your opinion, but we are here tonight to say the people of the District of Columbia do not agree. And they should not have your way of life, your viewpoint, your amendment forced down their throat. That is not right. That is not fair. That is not just.

And I think even you would agree that that is not the American way.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Mr. LEWIS is certainly the most respected advocate for civil rights in this United States Congress. No city has a right to deprive a constitutional right, even if the majority of people in that State or city favor depriving you. I don't know how D.C. could be less safe. It's the murder capital in 15 of the last 19 years since they instituted the gun law, and the other 4 years they were in the top three. They were not before they instituted the gun law.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, it's my pleasure to yield 2 minutes to Representative DONNA EDWARDS from Maryland.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise in support of H.R. 6842 and in strong and absolute opposition to the Childers-Souder substitute to the National Capital Security and Safety Act.

It's not the place of this Congress to undermine the elected Council of the District of Columbia's ability to regulate firearms within their borders. The mayor and the District's Council have taken the necessary steps to revise their gun laws in accordance with the decision of the United States Supreme Court, and Representative NORTON's bill offers them that opportunity.

This substitute amendment is a dangerous alternative, the full scope of which we've not even had time to fully understand. Residents of the District of Columbia and my congressional district in neighboring Prince George's and Montgomery Counties in Maryland want a commonsense law enforcement approach when it comes to gun ownership. And if this NRA-sponsored substitute were to pass, it would have a devastating consequence of prohibiting registration for most guns and repealing the ban on semi-automatic weapons.

Furthermore, it is outrageous that the Congress of the United States is going to substitute and undermine the laws of my State of Maryland by allowing this substitute amendment to create an exemption to Federal law for the District of Columbia to enter jurisdictions in Maryland and Virginia to purchase guns.

Maryland taxpayers are going to be asked to foot the bill in an unfunded mandate to integrate systems, process applications. We're a State. We have a Governor who's elected, we have a general assembly that's elected. We have an Attorney General that's elected. We don't need the Congress of the United States stomping on the foot of Marylanders in order to pass a law that it's trying to impose on the sovereignty of the District of Columbia. And I think it's time for us to just say ''no'' to this substitute amendment on the sovereign rights of Maryland.

And I support Congresswoman NORTON's bill as a logical next step forward and urge my colleagues to vote ''no'' on the Childers substitute. The safety of all who live, work, and play in the District of Columbia and the surrounding metropolitan area hangs in the balance, and our sovereign State of Maryland is not going to stand for this body substituting its judgment for our State.

Mr. SOUDER. Does the gentleman have any additional speakers?

Mr. DAVIS of Illinois. I am prepared to close.

Mr. SOUDER. Mr. Chairman, I will yield myself the balance of the time.

Anybody watching this debate can feel the passion, and they can see some differences based on where people are from. And can you hear the passion from many of those in the urban cities who are very concerned about the violent crime.

I believe this solution is not only wrong and doesn't work; it's unconstitutional. But I do want to say a few words that we do need to get control of the challenges in our urban areas.

As my friend from Chicago knows well, we've worked together on prisoner re-entry programs; we've worked together on education programs. We need to make sure there are job opportunities. And there are many things we need to do to try to address the problems that the inner cities face.

I do not believe the taking away of the constitutional right to bear arms is the way to go. I don't believe it will work. I believe Washington, D.C. is a model of a gun law not working. And besides that, it happens to be the constitutional right of American citizens to defend themselves.

The Supreme Court ruled clearly. The City of Washington attempted to defy that ruling; 250 Members of Congress, 55 Senators who signed the amicus brief believed that Congress therefore has to step reluctantly in to try to pass this legislation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we've been debating tonight a gun issue. But it also is a home rule issue, an issue that simply says that the people of the District of Columbia should have the opportunity to make a decision about themselves. We're also debating a homeland security issue, a crime prevention issue, a safety issue. It's a foreign dignitary protection issue. But it's also a commonsense issue.

Common sense tells us that the more weapons you put on the street, the more likely you are to have disaster. And so H.R. 6842 represents and protects all of what we have discussed relative to the ability of the people of the District of Columbia to make their own decision.

□ 2330

I urge that we vote in favor of the Waxman-Norton bill and reject the Childers substitute.

I yield back the balance of our time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in the bill is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

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

H.R. 6842

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Capital Security and Safety Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Washington, DC is both a local self-governing jurisdiction and the seat of the United States government, with unique Federal responsibilities that accompany its role as the Nation's capital.

(2) The Metropolitan Police Department (MPD), the District's local police force, with more than 4,000 members, is the only sizeable police force in the National Capital Region.

(3) In its role as a Federal city, the District of Columbia has always been linked with Federal law enforcement in a partnership to protect the Federal presence, including Federal officials and employees, visiting dignitaries, and other individuals.

(4) Since the terrorist attacks by a United States citizen on a Federal facility in Oklahoma City, Oklahoma, and especially since the attacks by foreign terrorists on the National Capital Region on September 11, 2001, the District of Columbia has been considered by Federal law enforcement and security officials to be a likely target for terrorist and domestic attacks on Federal sites and on Federal officials and employees, visiting dignitaries, and other individuals.

(5) The MPD works continuously with all Federal law enforcement agencies, including 36 different police agencies, to prevent attacks in the Nation's capital.

(6) Federal and District law enforcement interests work together and communicate daily on many efforts, including providing protective escort services to the President, Vice President, first lady, and presidential candidates as they travel and work throughout the District.

(7) The President, Vice President, and many cabinet and other Federal officials reside in the District of Columbia.

(8) MPD teams with Federal officials to provide protective escorts for the more than 40 national and international dignitaries who visit the District of Columbia every month.

(9) The Nation's capital is required by law to be the headquarters of every cabinet agency of the Federal government and has the largest concentration of Federal employees, a total of 145,000.

(10) In the District of Columbia Home Rule Act, Congress delegated self-governing powers to the District of Columbia local government but retained authority to protect Federal interests when necessary.

(11) The District of Columbia government has just begun the process of enacting legislation to allow gun ownership in the District for self-defense in a person's home in compliance with the Supreme Court ruling in the case of District of Columbia vs. Heller.

(12) Local jurisdictions, including the District of Columbia, enact firearms legislation in keeping with local desires and concerns, but the District of Columbia must take into account that the District also is a Federal city and that such legislation must be consistent with the heightened Federal interest in preventing terrorism and domestic attacks on individuals in the city because of the Federal presence.

(13) The most frequent attacks on Federal officials in the Nation's capital have been ''lone-wolf'' attacks by individuals with concealable handguns, such as the assassinations of Presidents Abraham Lincoln and James Garfield, the serious attempts on Presidents Ronald Regan and Andrew Jackson, and the July 1998 murder of 2 United States Capitol Police officers in the United States Capitol.

(14) The most dangerous attacks on individuals in the United States have been committed with handguns, including the recent attack at Virginia Tech University in which 32 people were shot and killed and the attack at Columbine High School in which 12 people were killed.

(15) The government of the District of Columbia, with the informed advice of MPD, is best suited to carrying out the complicated task of developing local laws that satisfy the Supreme Court's mandate while protecting

Federal officials and employees, visiting dignitaries, and other individuals. Congress should allow the District of Columbia the opportunity to enact statutes and promulgate regulations, while preserving the Federal right to intervene under the District of Columbia Home Rule Act if federally protected individuals or the Federal presence are exposed to risk.

(16) Unregulated firearms in the Nation's capital would preclude the ability of the MPD and, if needed, the Federal government to track guns through registration and otherwise to help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

SEC. 3. REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS.

(a) REQUIRING DISTRICT TO REVISE LAWS.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall revise the laws and regulations of the District of Columbia which govern the use and possession of firearms, as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller.

(b) CONFORMING AMENDMENT TO LOCAL LAW.—Title VII of the Firearms Control Regulations Act of 1975 (sec. 7–2507.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"SEC. 712. CONSISTENCY WITH FEDERAL REQUIREMENTS.

''The Mayor and the Council shall ensure that this Act and the regulations promulgated to carry out this Act are consistent with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller.''.

The CHAIRMAN. No further amendment is in order except the amendment in the nature of a substitute printed in House Report 110–852. That amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

AMENDMENT OFFERED BY MR. CHILDERS

Mr. CHILDERS. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHILDERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Second Amendment Enforcement Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

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

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

The CHAIRMAN. Pursuant to House Resolution 1434, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I'm pleased to be here this evening in support of my substitute amendment to H.R. 6842.

I want to start out by saying that I in no way promote increased violence inside the District of Columbia, nor do I disrespect the sovereignty of the District city council and their congressional leadership. My only goal in this matter, along with over 130 of my colleagues, is to restore fundamental second amendment rights to law-abiding citizens who reside in the Nation's capital.

There has certainly been a lot of spirited discussion and debate on this matter. I want to dispel any false rumors that my legislation makes it easier for terrorists or other individuals to openly spur violence in the District of Columbia.

I specifically reference section 3 of my amendment, which states: Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business or on other land possessed by the person.

Again, my inherent goal in this amendment is to restore second amendment rights within the home for self-protection purposes. Unfortunately, it is evident to me and many others that the District of Columbia city council is unwilling to comply with the Supreme Court's Heller decision.

On multiple fronts, the Firearms Emergency Amendment Act of 2008, which was passed following the Heller decision, continues to infringe on second amendment rights. Specifically, the D.C. city council's definition of machine guns groups together the majority of semi-automatic handguns, most used for self-protection purposes, which effectively bans their possession in the District.

Secondly, the ballistics identification procedure is an overburdensome and lengthy registration requirement that improperly denies the right of D.C. citizens, law-abiding citizens I might add, to immediately possess a firearm in their household.

Finally, the continued insistence of having to keep a firearm unloaded, stored or trigger-locked is not acceptable to affording a right of self-defense within an individual household.

In summary, I would compare my substitute amendment to words written in the majority opinion by the Supreme Court in the Heller case that reflect my sole intention of granting self-protection rights for law-abiding citizens.

The Court stated that their decision should not be taken to cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill or law forbidding the carrying of firearms in sensitive places such as schools and government buildings.

I came to Congress to serve and protect the ideals laid out by our Nation's Founding Fathers. As I stated above, I have no intention of directly circumventing the legislative practices of the D.C. city council. However, the second amendment right is a long-standing pillar in our system of government, and I believe law-abiding citizens should have the right to defend their homes in the District of Columbia, just like they have the ability to do so in the First Congressional District of Mississippi.

I reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to the amendment being offered.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment being offered by the gentleman from Mississippi. The amendment, which is largely taken from the base bill H.R. 6691, goes way beyond the ruling that's been handed down by the Supreme Court in the Heller case and, ironically, would lead to less security and safety and greater risk in the Nation's capital.

Moreover, in light of the ruling in the Heller case, the gentleman's amendment touches on more than just the issue of gun ownership in the home for purposes of self-defense.

The amendment would allow the unfettered transport of guns and/or firearms and the possession of guns in businesses, and as written, the amendment only says businesses and nothing about businesses in which property is owned.

And what is even more disturbing about the amendment is that it strips the District of Columbia from issuing or enacting any rule, law, or regulation dealing with homeownership. Nowhere in the case was such an order or action addressed or even mentioned in the Heller Supreme Court decision as written by Justice Scalia. In fact, it is my understanding that the decision clearly stated that a range of gun regulations

are presumptively lawful. However, the gentleman's amendment fails to take that part of the Court's ruling into consideration.

When the Court overturned the District's long-standing gun laws, in order not to infringe upon the second amendment rights of District residents, it set in motion a process that would require the District Government to rewrite the laws and not the United States Congress or the House of Representatives. This would be the case in Tupelo, Mississippi. Therefore, the elected officials of the District of Columbia should have an opportunity to develop permanent legislation to bring the city into compliance with the Heller ruling.

If I may, Mr. Chairman, let me point out just what the amendment before us does. For starters, it would eliminate any form of gun registration which would prevent the city's police department from knowing who owns what type of gun or firearm.

Secondly, the language is written so broadly that it would permit individuals to carry assault rifles openly in public and on D.C. streets.

Lastly, I'd also like to point out that the amendment creates a gun show loophole that will allow D.C. residents to avoid background checks when purchasing weapons from private individuals and at gun shows without background checks.

While Members from both sides of the aisle agree on the importance of preserving individual rights, we must also recognize that we live in perilous times, and with lone-wolf terrorists and copycat shootings on the rise, flat out ignoring the homeland security interests of the District of Columbia and the Federal Government is downright reckless and risky.

But yet, this is exactly what this amendment has the potential to do, if adopted. As stated earlier, the District has already begun to revamp its laws, and in the coming months, we will have an opportunity to review the newly adopted gun ownership laws under our already well-established congressional review authority.

I ask my colleagues to recognize and respect this fact and to join me in opposing this amendment.

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

Mr. CHILDERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan, and I believe to be the longest-serving Member in this great body, Mr. DINGELL.

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

Mr. DINGELL. Mr. Chairman, I rise to salute the offerer of the amendment. The gentleman from Mississippi has shown extraordinary leadership, courage, and ability, and the body owes him a thanks for his efforts in this matter.

I also rise to thank the leadership for putting this legislation on the floor. The amendment offered by the gentleman from Mississippi is a commonsense, bipartisan proposal that will implement the historic Heller decision enacted by the Supreme Court, and it will restore and protect second amendment rights of the residents of the District of Columbia and elsewhere.

The Congress acts tonight under its plenary power over the District of Columbia, and one of its actions tonight are to assure the protections of the second amendment of the Constitution.

We've heard much falsehood and misunderstanding pronounced in the press and tonight in the discussion about what it is going to do. The Supreme Court found that the District of Columbia's ban on handguns was a violation of the second amendment, and it based that finding on a decision that the second amendment grants each individual the right to own a firearm for self-defense.

Like a majority of the Members of this body, I supported the decision, and I pointed out that the Court's ruling provided important guidance that would allow local governments to craft sensible, responsible measures designed to keep firearms out of the hands of criminals, the mentally ill, and those who pose a threat to the public safety.

That remains the truth today and tonight. The D.C. council reacted to this historical ruling not by enacting sensible regulations but, instead, passed emergency legislation that continues to bar law-abiding citizens, residents of the District of Columbia, from meaningful access to the firearms within the second amendment.

I'm happy to hear that the D.C. council and the mayor have now proposed changes to D.C. gun laws that will begin to bring the District into compliance with the Supreme Court decision. I commend them for it. It came, regrettably, too late. These efforts do not, however, preclude us from acting upon the amendment offered by the distinguished gentleman from Mississippi, and again, I commend him for his leadership in this matter.

When the D.C. council's proposals, if they are carried forward as they say they intend to, are there, they, together with the legislation that we are enacting tonight with the Childers amendment, will protect the rights of the citizens of the District of Columbia under the second amendment, but they also will assure that the District of Columbia has the reasonable power to control improper use of firearms.

The legislation only does four things. First, it overturns existing D.C. gun laws banning semi-automatic weapons, including the types of guns most commonly used for self-defense, something which the Supreme Court said was protected by the second amendment.

Secondly, it overturns D.C. law requiring residents to keep their firearms locked and inoperable until the very moment that they are attacked. What a silly proposal, a proposal that requires a person to rush to the cabinet to unlock it, to get a firearm, to load it, so that they can protect themselves against thugs, bandits, murderers or rapists.

Third, it gives the D.C. residents a reasonable ability to purchase a firearm in Maryland or Virginia, a necessity because only one federally licensed firearms dealer exists in Washington, D.C.

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And he operates without a facility that is open to the public.

Fourth, the legislation removes lengthy and burdensome registration procedures malevolently put in place by the D.C. City Council to ensure that citizens would not be able to access firearms in a lawful, legal, and proper fashion.

This legislation does not preclude the Council from in any way enacting sensible firearms regulations that comply with the Supreme Court's decision in Heller. The D.C. Council will retain authority to restrict firearms so long as those restrictions do not improperly burden the second amendment rights of D.C. residents.

Some of the opponents of Congressman CHILDERS' amendment have claimed that this legislation will lead to more guns ending up in the hands of criminals or even terrorists. What hooey. The only people in D.C. that can own a firearm for almost all intents and purposes are criminals. Law-abiding citizens have enormous burdens in achieving ownership of a firearm. And so we have, in the District of Columbia, a well-armed group of thugs armed to the teeth, preying upon law-abiding citizens at their whim with firearms which they may have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. Mr. Chairman, I yield another 30 seconds.

Mr. DINGELL. I thank the gentleman.

The legislation is simply going to put D.C. residents in a position where they have their rights under the second amendment.

I urge my colleagues to support this amendment. It is a sensible, proper amendment. It is a sensible, proper exercise of the power of the Congress under the Constitution. And it is a sensible and proper protection of the rights of American citizens.

I urge the adoption of the amendment. And I commend the distinguished gentleman from Mississippi for his important leadership in this very important constitutional question.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to the gentlelady from Maryland, Representative DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise again in strong opposition to this substitute.

Why does this body believe it has the right to force Maryland, my State, a sovereign State, to bear the cost and work to register D.C. firearms under this substitute? Our State is already facing significant shortfalls. And the

proponents of this substitute are not planning to reimburse Maryland taxpayers—I haven't heard that coming from Mississippi or from Indiana.

This matter is properly already under the jurisdiction of local elected officials in the District of Columbia. And I do respect and the people of Maryland respect the right of the people of the District of Columbia and their elected officials to make decisions for themselves and to comply with the courts of this land. So why are the Members of this body unwilling to let the legislature and the courts do their job?

Our great and sovereign State of Maryland has regulations in place that work for our citizens. We're not trying to regulate D.C. guns; we're not trying to regulate Virginia guns or Mississippi guns or Indiana guns. That's not our job in Maryland. We respect your sovereignty and you should respect ours by not imposing unfunded mandates on our taxpayers or creating additional burdens for our State troopers whose job it is to process firearm applications.

With this substitute, you are demanding that our State troopers double the size of our enforcement units, integrate with D.C. databases, criminal and mental health databases and other databases that currently do not comply with Maryland's system, and all of this within a 7-day period so that we can comply with our own law in our State.

For a group of people who often cry foul on States' rights and on unfunded mandates, you sure haven't had a problem at all in offering this substitute to impose exactly those same burdens on the State of Maryland and on Virginia.

Mr. CHILDERS. I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi. And I also want to thank the dean of the House, Chairman DINGELL, who has been a hero to gun owners all over America for many years, for his willingness to stand up. And I want to thank our new freshman Member, Mr. CHILDERS, and those who are standing with him, because this is, indeed, a historic night. And unless you're a Member of Congress or somebody who is kind of a political junkie, it's hard to figure out exactly what's happening tonight.

In fact, a discharge petition is something that, when you sign it, basically would turn the House over to the other party. And if you're willing to stand up to your own party, you could force a vote. I know this because, when we first became in the majority, I was one who was often pulled into a side room, threatened that by bringing down a rule or other things that I was going to destroy the party. In fact, sometimes it's your only way to force things. There is a certain number of votes that are allowed on each side to let a bill go through.

But what we're seeing tonight was the courage of some Members on the majority side to stand up and say, look, we want a bill. And as these negotiations move forward, it came to me, as the Republican author, along with Mr. ROSS, of the bill to overturn this, of, will you accept somewhat less than the whole, but a bill that actually has a chance to be law.

Now, as a Republican, I could have said, you know, I think we'll let them fight and we'll go into the election with no bill, with no vote in the House, and put those who are so-called Blue Dogs in a real spot. But that isn't the way we should legislate. We have Members who stood up, even in their own party, and said we want to broker an agreement. We had Members on our side, in our leadership, agreeing that we will be willing to negotiate. And we had a Democrat leadership willing to sit down and work it out even though the majority of their party doesn't agree with this, and obviously many of them are passionately upset.

So tonight is a historic debate. Tomorrow will be a historic vote: Will the will of the House be allowed to work its will as it did on campaign finance reform? And I thank the gentleman from Mississippi for his leadership.

Mr. DAVIS of Illinois. Mr. Chairman, I now yield 5 minutes to the gentlewoman from the District of Columbia, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding. And I particularly thank the gentleman and the chairman of the full committee, Mr. WAXMAN, for your time and effort that you put into Waxman-Norton, and yes, into defeating the substitute before us now.

This substitute stoops very, very low to conquer. The Congress is known for its low blows against the District of Columbia, but this is the first time that in shooting the District of Columbia in the back—which has become routine—that in over 200 years, never before, but tonight you are shooting protections for the entire Federal presence that this House is sworn to protect, beginning with the President of the United States and going to every Federal employee working in a Cabinet agency. And the House has the gall to ask for a vote to nullify the gun laws in my district, depriving my district of the right to protect itself and visitors like yourselves, while denying me a vote on this floor on passage? Have you no shame? Is no principle invalid?

The sponsors of the substitute have consistently singled out two sections of the old D.C. law because otherwise this would look crazier than it already does. The section, for example, they temporarily left in place while they worked on new legislation, as the Supreme Court asked them to, new legislation which has now been signed into law, left in place the trigger lock section. But whoever would have left that in place—after all, it was one of the few issues singled out in the Supreme Court decision, and you know it. And they knew it. But they had to do the necessary investigation. They had to know what other jurisdictions did. And they knew that handguns had to be defined as semi-automatics because those are the most commonly used handguns today. But they had to have time to do it. Now they've done it.

Those changes were inevitable, you knew they were inevitable. They've occurred. And here you are, a day late and a dollar short, looking very foolish. Only because of the Waxman hearings were we able to expose the high risk and danger to the Federal Government, to the Federal presence that this bill brings, the high risk in government to Members of Congress every day when they come here. Yes, you think you are endangered? Well, boy, would you have really been at risk if this bill were to get through both Houses.

With the help of three police chiefs with jurisdiction in this region, all three came to show that the bill that you brokered would have allowed carrying semi-automatic handguns in this city—by children, sir, and by adults, thank you very much—well, that was even too much for the NRA, so they changed it.

When the chiefs testified that in an inauguration parade we can't protect the Federal presence, one had to wonder what kind of brokering of bills you folks do. Don't you read what you broker? Don't you read what the NRA tells you to pass?

The danger of the bill that we now have is almost as great. Oh, no, you can't carry a gun in public anymore, as a child could and as an adult could, but you can possess a semi-automatic AK–47, sir. You can possess a Bushmaster XM–15, which 6 years ago the sniper, the D.C. sniper used in the States of Virginia, Maryland and D.C. Semi-automatics, that's in your bill; that's still in your bill.

Just back from unveiling the memorial benches at the 9/11 ceremony, just back from a ceremony after the National Capital region was targeted—and still is—7 years ago, you had just dried your tears and now you come and ask us to vote for a substitute.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield 1 additional minute to the gentlelady.

Ms. NORTON. You now ask us to vote on a substitute mandating in the Nation's capital one of the most permissive gun laws in the country, no registration of gun laws, no way for the police to know who has a gun or to trace guns used in committing a crime.

Mandates. Gun show loophole. Licensed dealers must do a criminal background check, but private individuals don't have to. And we exempt gun shows. You can have gun shows in the Nation's capital, perfectly legal. D.C. can't close any of these loopholes because you Federalize gun laws, you leave us with a bare bill.

The police can't issue any regulations. You allow the stockpiling of assault weapons. You allow gun running between Maryland, Virginia and the

District. You allow people, voluntarily committed to a mental institution, to get out and the next day they can own a gun even while John Hinkley is still institutionalized at St. Elizabeth's Hospital for an attempt on the life of President Reagan.

The CHAIRMAN. The time of the gentlewoman has expired.

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

Ms. NORTON. You allow children to own AK–47s. You allow this in the Nation's capital. No age limit whatsoever on owning a gun.

This isn't Mississippi, sir. You have just been elected to Congress; you better understand where you are. This is a big city. You have squandered critical time with the House while the economy is falling down behind you, Wall Street is collapsing. Why? Because the NRA told you to do so.

I've been to the Senate, too. There's another House. And you know what I know.

Mr. CHILDERS. I would ask the speaker to direct her remarks to the Chair.

The CHAIRMAN. The time of the gentlewoman has expired.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Member should direct her remarks to the Chair and not to an individual.

Ms. NORTON. You know that this substitute is going to be strangled with a thousand holes, and still you march in salute to the NRA.

I say to the cosponsors, watch what you vote for. If you analyze this bill, this substitute, step by step, you can think of half a dozen bills of major importance. Well, they can stick up the Democrats and make us sue for peace. Watch the precedent you set. Watch what you vote for tomorrow. Defeat the substitute. Vote for Waxman-Norton.

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Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. I thank the gentleman.

We're here tonight, not because we've asked for a vote but because the Supreme Court, in a recent decision, changed the law of the land or at least clarified what the law of the land is with respect to the second amendment. It could be about almost any subject. We routinely come here after the Supreme Court decides what the law of the land is on a justiciable issue, and we enact, implementing legislation whether its on people in Tennessee or in Mississippi or in Oregon or in Washington State or in the District of Columbia. That's done routinely over and over again. The subject happens to be the second amendment in this most recent Supreme Court decision. It could be about anything.

Nobody disputes the fact that the District of Columbia has every right to make its own laws. What we do dispute is that the District of Columbia does not have the right, nor does any other American citizen, to ignore the law of the land. The law of the land, as enunciated in a recent Supreme Court decision, whether one agrees or disagrees, grants to individual citizens the right to bear arms legally. The District has failed to implement that decision, and therefore, we are here tonight.

This Childers substitute does nothing more nor nothing less than implement the bare minimum that the Supreme Court said was the law of the land. Whether you like it or not, that is the law of the land when the Supreme Court decides a justiciable issue.

This legislation, the Childers substitute, does not in any way limit the authority of the District or the ability of independent authorities in the District to restrict firearm possession. It does not repeal the D.C. law banning a person from the possession of ammunition. It does not amend the D.C. definition of ''restricted pistol bullets.'' It does not repeal the D.C. law providing for strict liability for handgun manufacturers.

Quite frankly, many of us live in the District for most of the year now because of our job requirements. I don't want to impose on the District, but I do say this:

The District, just like people all over the rest of America, has to implement legislation when the Supreme Court speaks. That's why we're here, not because we asked for this. I, quite frankly, enjoy living in the District and enjoy having the District make the laws that we live under here, but like no other citizen, the District is no different in that they cannot ignore the law of the land even if they disagree with it as cannot the citizens of my State or of any other State.

Mr. DAVIS of Illinois. Mr. Chairman, I'm pleased to yield 4 minutes to the chairman of the Committee on Oversight and Government Reform, Representative HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman and my colleagues, the Supreme Court ruled in the Heller case that the District of Columbia could not ban handguns. They said that would violate the second amendment. The Supreme Court said every individual has a right to own a handgun. That's now the law of the land. The District of Columbia has finalized its revision of its laws just today, and I defy any Member of this body to say that the District of Columbia has failed to comply with the second amendment to the Constitution under the Heller decision. I think that the District of Columbia has complied with that law. I know we've heard from Members of Congress that D.C. is unwilling to comply and that they're unwilling to live by the law of the land. Well, let us examine that D.C. law more carefully. Since it only was finally enacted today, I would suggest that when this bill goes to the other body that they hold this bill up and review that D.C. law.

The District of Columbia is not obligated to do all of the things that are in this substitute. In fact, not one single provision of H.R. 6691 is required by the second amendment or by the Supreme Court decision in the Heller case. Let me just walk through it.

One provision removes the District's longstanding ban on semiautomatic assault rifles and pistols. Well, there is nothing in the second amendment that guarantees an individual's right to high-powered military assault rifles capable of firing more than 30 rounds without reloading. There is certainly nothing in the Heller case that says that. Evidently, the people who are offering this substitute don't like the fact that the D.C. Government agreed with that provision, but they said that they would limit it to 10 rounds. Well, there is nothing in the Constitution that says it has to be 30 or more.

One provision of this substitute removes the District's longstanding provision for a registration system, which includes D.C.'s required background checks before someone can buy a gun. Well, there is nothing in the second amendment that says individuals have a right not to register their guns. Yet the substitute would wipe out that D.C. law.

Now, it was said by one of the advocates of this substitute that this is a burdensome requirement for registration that was put malevolently in place by the District of Columbia. Well, I want you all to know that it was also put in place by California, Connecticut, Maryland, New Jersey, Michigan, Chicago, Cleveland, New York City, and Omaha, and I don't think that any of those jurisdictions are violating the second amendment to the Constitution.

Another provision in this substitute would take away the ability of the District of Columbia's law enforcement authorities, through their registration system, to trace guns used in crimes. It helps them figure out who bought the guns, who transferred them, how they got into the hands of the criminal or terrorist. That's not in violation of the second amendment, and yet this substitute would repeal it.

This amendment would allow people to obtain firearms without criminal background checks. I don't know why they think the second amendment requires that, because it does not.

This amendment goes far beyond the Heller case. It goes far beyond the second amendment to the Constitution. It is gratuitously rewriting the law of the District of Columbia. It is not our job to rewrite a law passed by the people elected in the District of Columbia if that law complies with the Constitution of the United States.

I urge that we reject the substitute amendment.

Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I rise in support of the Childers amendment to H.R. 6842.

Tonight is a historic night. The American people are sick and tired of all of the partisan bickering that goes on up in Washington. Time after time, bills come to the floor, and they pass or fail on a straight party line vote. Tonight, a bill is going to be defeated by Democrats and Republicans coming together, and an amendment is going to pass because of Democrats and Republicans coming together. That, in my opinion, is long overdue.

Mr. Chairman, when I raised my right hand and took the oath of office, I swore that I would uphold the Constitution of the United States of America. That includes amendment No. 2. Mr. Chairman, I could not be more proud of the gentleman from Mississippi (Mr. CHILDERS). He may be a new Member of Congress, but he certainly knows where he is, and he knows why he's here—to defend the Constitution of the United States of America. We can't cherry pick. We took the oath to defend the entire Constitution, including the second amendment.

Back home in Arkansas, there's a bumper sticker that says, ''When you outlaw guns, only outlaws will have guns.'' Quite frankly, I don't believe it's a coincidence that Washington, D.C. has a high crime rate, a rate where guns can only be found with the outlaws and not with responsible, law-abiding citizens.

In June of this year, the U.S. Supreme Court struck down D.C.'s ban on handguns and operable firearms for self-defense within the home as in the case of D.C. versus Heller. Mr. SOUDER and I had a bill to address this issue. We thought we would no longer need to raise the issue after the Supreme Court ruling, but that was before we learned that the District responded by passing an emergency bill that failed to comply with the Supreme Court's ruling. In fact, they snubbed their nose at the Supreme Court.

The Childers substitute amendment remedies this by enforcing the Supreme Court's Heller decision and by preventing the District of Columbia's government from restricting the second amendment rights of its citizens. This should be very important to every one of us who is a Member of Congress because, folks, Mr. Chairman, if our Nation's capital can pass gun control, our hometowns all across America could be next. That's why I'm against this bill and why I am for the amendment. I'm proud to stand here as a pro gun Democrat.

What did the Washington, D.C. city council do that was so bad and that makes no sense in snubbing their nose at the Supreme Court?

Number one, they defined ''machine guns'' to include all semiautomatic guns. Nearly every gun in America today is a semiautomatic gun. We duck hunt with semiautomatic guns. Pistols are semiautomatics.

They also said that any gun that you own must be unassembled in the privacy of your own home until you are in imminent danger. In other words, you've got to wait until someone is inside your home and then say, ''Mr. Intruder, would you please respectfully wait while I assemble my gun.''

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. I yield the gentleman an additional 30 seconds.

Mr. ROSS. That makes no sense either.

Then, finally, the Supreme Court said you can have a gun in D.C., but they don't sell guns in D.C. Guess what? The D.C. city council said you can't transport a gun from Maryland or Virginia into D.C. Therefore, that means you can still no longer have a gun in D.C.

We're not giving Washington, D.C. any more or any less than what most citizens in this country enjoy today under the second amendment. That is the ability of law-abiding citizens to responsibly own guns and to have them assembled, if they so choose, in the privacy of their own homes. We provide Washington, D.C. in this substitute amendment the same definition as most of the rest of the country has as it relates to machine guns.

I urge support of the amendment and a vote against the bill in support of our Nation's second amendment rights.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 30 seconds.

Much of the discussion is about crime and crime prevention and protection. We sound as though people are invading people's homes and are murdering them and are attacking them. Much of the murder that I read about and that I hear about is really from drive-by shootings. It's really by individuals with semiautomatics who are engaged in turf battles over drugs, who are killing each other. They're not by people who are necessarily invading homes. They're by people who have access to these high-powered guns, people who are killing each other on the streets.

I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Mississippi has 10½ minutes remaining. The gentleman from Illinois has 13 minutes remaining.

Mr. CHILDERS. Mr. Chairman, I recognize the gentleman from Tennessee (Mr. LINCOLN DAVIS) for 4 minutes.

(Mr. LINCOLN DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

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Mr. LINCOLN DAVIS of Tennessee. Mr. Chairman, it is good to be here to discuss what I believe is the foundation of our society and America, our Constitution.

In 1787, the articles were proposed that ultimately became the foundation for our Constitution. In 1789, 12 amendments were offered, of which only 10 were approved immediately, or pretty well immediately, by 1791.

Included in those are 10 amendments we often called the Bill of Rights. The first one, a lot of us talk about, our ability to have religious freedom. In the South, where I am from, that is something that we treasure. Our freedom of speech is included in number one. And number two is the right to bear arms.

Now, I know we don't live on the frontier anymore, but if you can imagine a farmer or someone moving his family into the wilderness in Tennessee, or as we moved westward, one of the things that you would find with them, pieces of equipment, more than just the farm equipment, was generally a muzzleloader, that would hang on many cases on the beam that supported the loft in the cabin in which the family would live. It was there for protection.

When he would go into the fields to farm, he would also take his muzzleloader with him, oftentimes leaning it upon a stump or a tree, where it would be for protection from wildlife or wild animals or from those who might be intending to do harm to his family or himself.

The second amendment gives us that right to protect our homes and our family, whether it is in Pall Mall, Tennessee, where I am from, are whether it is right here in Washington, D.C. We can't suspend the Constitution depending on where we live.

We had a huge argument over what is called the Foreign Intelligence Surveillance Act, about whether or not our individual rights were about to be jeopardized. In fact, many of us argued on this floor that there are certain constitutional guarantees that guarantee our liberty and our freedom from oppression and from an oppressive and intrusive government. In fact, that is not just for Washington, D.C., and it was just not for Pall Mall, Tennessee. It is for all of us who live in this Nation. So, for me, we cannot cherry pick and pick and choose what that Constitution guarantees us.

To me, I applaud the efforts of the gentleman from Mississippi to offer the substitute amendment that I believe will give individuals who live in Washington, D.C. the same opportunity to defend their sons and their daughters, their husband or their wife, and the home that they own from those who would do harm or be intrusive in their homes.

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

Mr. CHILDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I thank the gentleman.

When the D.C. City Council decided to ignore a ruling from the United States Supreme Court and when the District of Columbia decided to play games with the Constitution of the United States, it was they that brought us to the point where we are today, where congressional intervention is necessary to uphold the rights of Washington, D.C. citizens under the second amendment to the Constitution.

As a signatory of the amicus brief urging the Supreme Court to overturn the unconstitutional gun ban, I was outraged at the D.C. Council's new gun restrictions. So I joined with Mr. CHILDERS of Mississippi to help craft the Second Amendment Enforcement Act, which is the text of the amendment we are debating here tonight.

This bill repeals D.C.'s gun ban and permits law-abiding gun owners the right to keep their firearms in ways that will ensure their availability and use for self-defense. This amendment ensures that the intent of the Supreme Court and of the second amendment are upheld for all citizens, including those who live in the District of Columbia.

Mr. CHILDERS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi.

I wanted to clarify for those watching the debate and for the CONGRESSIONAL RECORD that the one hearing we did have, there were four witnesses. Three of them were Federal witnesses, and Mr. ISSA asked each one of them whether the bill that this amendment is amending had any impact on them. All of them said no. They were never asked another question during the hearing, because they weren't relevant to the hearing.

The fourth witness was the police chief of Washington, D.C., and she did have an opinion and doesn't agree, obviously, with this amendment. But she is a political appointee of the mayor, and while it may be her personal view, if she held a view different from the mayor or city council, she would have been removed.

So it was somewhat inaccurate to present that at our hearing, that somehow the witnesses all felt that there was this imminent danger in the Federal sector, because all three of them said the bill had nothing to do whatsoever with their positions.

Mr. DAVIS of Illinois. Mr. Chairman, I continue to reserve. I understand that Mr. CHILDERS is ready to close.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. CHILDERS. I would yield to the gentleman.

Mr. SOUDER. Does the gentleman from Mississippi have the right to close?

The CHAIRMAN. No, the gentleman from Illinois, as a manager controlling time in opposition to the amendment, is entitled to close debate thereon.

Mr. CHILDERS. Mr. Chairman, in closing, let me just simply say to my distinguished colleagues Mr. DAVIS from Illinois and all those who have spoken not only for my amendment, but to those also who have spoken against my amendment, I have nothing but the greatest of respect for all of you. I have nothing but the greatest respect for this wonderful institution which I am so proud to be a part of.

Mr. Chairman, there is no hidden agenda here. The intent of my amendment offered in the form of a substitute is simply to give the law-abiding citizens of the District of Columbia the same rights and freedoms that all Americans share, from coast to coast and all over this great land.

I appreciate the spirited debate. I certainly hope that I have been respectful of all of my colleagues. It certainly was my intent. In closing, I would like to ask for a recorded vote, and I understand that will be in the morning, and I would urge passage of my amendment.

Mr. Chairman, I yield back my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to certainly acknowledge the not only newness of the gentleman from Mississippi, but also his demeanor, his debate and his introduction of legislation. It occurred to me though if we were in West Point, Mississippi, or if we were in Fort Wayne, Indiana, or if we were in Western Pennsylvania telling the people in those communities what we thought they ought to be doing or the way in which we felt they had to be in compliance with the Supreme Court as they were wrestling with those decisions themselves, they probably would say that we were unwelcome.

I think that the people of the District of Columbia would say that this amendment is unwelcome, that it further takes away their right to self-governance. Here they are, they don't have a representative in Congress with a vote. Now we are saying that your City Council and your representatives on the City Council can't decide the way in which you would be in compliance with the highest court in our land.

Let me just mention that a previous speaker said that the District passed a law prohibiting District residents from bringing in weapons from across State lines. That was incorrect. In fact, Congress passed this law, not the District of Columbia. But this amendment would remove this restriction.

So I think Members should understand that this is the first step in the NRA's plan to repeal Federal gun control laws, not just in the District of Columbia. But I think it is a matter of using the District of Columbia to work one's will for other parts of the country and to work a national will using the people of the District of Columbia.

I think the protections that are needed and the compliance that is needed can be found in the Waxman-Norton bill, and that this amendment, the Childers amendment, unfortunately strips that bill of its impact. For that reason, I would urge that we reject the Childers amendment vote for the Norton-Waxman bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHILDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

Mr. DAVIS of Illinois. 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. ALTMIRE) having assumed the chair, Mr. WILSON of Ohio, 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. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute Special Orders are entered in favor of the gentleman from South Carolina (Mr. SPRATT) and the gentleman from New Jersey (Mr. HOLT), each with customary leave to insert.

There was no objection.

A REVISION TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 205 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6899, Comprehensive American Energy Security and Consumer

Protection Act. Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 [1]	Fiscal Year 2009 [1 2]	Fiscal Years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263
Change in the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899):			
Budget Authority	0	−4,528	n.a.
Outlays	0	−4,528	n.a.
Revenues	0	−2,348	818
Revised Aggregates:			
Budget Authority	2,456,198	2,458,016	n.a.
Outlays	2,437,784	2,492,794	n.a.
Revenues	1,875,401	2,027,305	11,781,081

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Current aggregates do not include spending covered by section 301 (b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2).

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Current allocation:						
Energy and Commerce	89	81	839	802	3,162	3,157
Resources	0	0	0	0	0	0
Transportation and Infrastructure	395	0	1,496	0	4,176	0
Ways and Means	1,853	1,843	5,794	5,714	−6,724	−5,034
Change in the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899):						
Energy and Commerce	0	0	−4,700	−4,700	−100	−100
Resources	0	0	−142	−142	−3,332	−3,332
Transportation and Infrastructure	0	0	115	115	575	575
Ways and Means	0	0	199	199	199	199
Total	0	0	−4,528	−4,528	−2,658	−2,658
Revised allocation:						
Energy and Commerce	89	81	−3,861	−3,898	3,062	3,057
Resources	0	0	−142	−142	−3,332	−3,332
Transportation and Infrastructure	395	0	1,611	115	4,751	575
Ways and Means	1,853	1,843	5,993	5,913	−6,525	−4,835

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. POE (at the request of Mr. BOEHNER) for today until 3:30 p.m. on account of recovery efforts following Hurricane Ike.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

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

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

ADJOURNMENT

Mr. CHILDERS. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), the House adjourned until today, Wednesday, September 17, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8398. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Removal of Regulated Areas in Texas [Docket No. APHIS-2007-0157] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8399. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Fluid Milk Processor Promotion Program [Docket No. AMS-DA-07-0156; DA-07-05] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8400. A letter from the Under Secretary of Defense, Department of Defense, transmitting the Department's quarterly report as of June 30, 2008, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

8401. A letter from the Principal Deputy, Department of Defense, transmitting authorization of 18 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8402. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report entitled, ''Report to Congress: Plan for Coordinating National Guard and Federal Military Force Disaster Response,'' pursuant to Public Law 110-181, section 1814; to the Committee on Armed Services.

8403. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7797] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8404. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2007 Annual Report of the Securities Investor Protection Corporation, pursuant to 15 U.S.C. 78ggg; to the Committee on Financial Services.

8405. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Report on Section 3167 of the Department of Energy Science Education Enhancement Act Related to Education Partnerships with Minority Education Institutions,'' pursuant to 42 U.S.C. 7381c-1, section 3167; to the Committee on Education and Labor.

8406. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''The State of 21st Century Financial Incentives for Americans with Disabilities''; to the Committee on Education and Labor.

8407. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8408. A letter from the Deputy Director, Department of Health and Human Services, transmitting a report on the Developmental Disabilities Programs for Fiscal Years 2005-2006, pursuant to Public Law 99-319, section 105(a)(7); to the Committee on Energy and Commerce.

8409. A letter from the Administrator, Department of Energy, Energy Information Administration, transmitting the Administration's report entitled, ''Annual Energy Outlook 2008,'' pursuant to Public Law 110-140; to the Committee on Energy and Commerce.

8410. A letter from the Administrator, Department of Energy, Energy Information Administration, transmitting the Administration's report entitled, ''Annual Energy Review 2007''; to the Committee on Energy and Commerce.

8411. 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.

8412. 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.

8413. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2008 Annual Report covering the period May 2007 through April 2008; to the Committee on Foreign Affairs.

8414. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Clarification of the Classification of Crew Protection Kits on the Commerce Control List, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8415. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Kosovo in the Export Administration Regulations [Docket No. 080717846-8879-01] (RIN: 0694-AE34) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8416. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions list of vessels for the containment and transportation of explosive devices that have primary applications in law enforcement and security, pursuant to Section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8417. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8418. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under Category 1 ofthe United States Munition List (Transmittal No. DTC 063-08), pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8419. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual report on the extent and disposition of United States contributions to international organizations for fiscal year 2007, pursuant to 22 U.S.C. 287b(b), section 405(b); to the Committee on Foreign Affairs.

8420. A letter from the Under Secretary of State for Political Affairs, Department of State, transmitting the Department's eighth report covering current military, diplomatic, political and economic measures that are being or have been undertaken to complete our mission in Iraq successfully, pursuant to Public Law 109-163 , section 1227; to the Committee on Foreign Affairs.

8421. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107 -243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the June 15- August 15, 2008 period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8422. A letter from the Secretary General, Organization for Security and Cooperation in Europe, Parliamentary Assembly, transmitting the Astana Declaration and Resolutions adopted on July 3, 2008 at the Seventeenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, pursuant to Public Law 102-138, section 169(e) (105 Stat. 679); to the Committee on Foreign Affairs.

8423. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's final set of amendments to the Department's Fiscal Year 2008 Annual Performance Plan; to the Committee on Oversight and Government Reform.

8424. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8425. A letter from the Director, Office of National Drug Control Policy, transmitting the Office's report entitled, ''Fiscal Year 2007 Performance Summary Report,'' pursuant to P.L. 105-277 (Div. C-Title VII), section 705(d); to the Committee on Oversight and Government Reform.

8426. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's FY 2007 Annual Report, pursuant to 5 U.S.C. 1218; to the Committee on Oversight and Government Reform.

8427. A letter from the Acting Deputy Assistant Secretary for Policy and Economic Development, Department of the Interior, transmitting the Department's proposed plan with respect to the award entered in the compromise and settlement of claims under Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims, pursuant to Public Law 109-286, section 14; to the Committee on Natural Resources.

8428. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures [Docket No. 0612242866-8888-03] (RIN: 0648-AU89) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8429. A letter from the Citizenship & Immigration Services Ombudsman, Department of Homeland Security, transmitting the Annual Report of the Citizenship and Immigration Services for Fiscal Year 2008, pursuant to Section 452(c)(1) of the Homeland Security Act; to the Committee on the Judiciary.

8430. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal, entitled ''The Foreign Agents Registration Technical Amendments Act of 2008''; to the Committee on the Judiciary.

8431. A letter from the Deputy Assistant Administrator Deputy Chief of Operations Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Elimination of Exemptions for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine [Docket No. DEA-284F] (RIN: 1117-AB11) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8432. A letter from the Director, Department of Justice, transmitting the Department's report entitled ''Indian Country Drug Threat Assessment 2008''; to the Committee on the Judiciary.

8433. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the Council's ''Audit of Federal Awards A-133 for the National Council on Radiation Protection and Measurements'' from July 14, 2008; to the Committee on the Judiciary.

8434. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2008 Term on Monday October 6, 2008 and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

8435. A letter from the Chief United States Bankruptcy Judge, United States Bankruptcy Court, transmitting the 2007 Annual Report for the United States Bankruptcy Court for the Central District of California; to the Committee on the Judiciary.

8436. A letter from the Secretary, Department of Transportation, transmitting the Department's fourth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2007, pursuant to Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

8437. A letter from the National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness, Small Business Administration, transmitting the National Ombudsman's Annual Report to Congress; to the Committee on Small Business.

8438. A letter from the Chairman, International Trade Commission, transmitting a report entitled, ''The Year in Trade 2007,'' pursuant to Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

8439. A letter from the Secretary, Department of Agriculture, transmitting the Department's pilot project status report for fiscal year 2007 to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen, and Tahoe National Forests, pursuant to Public Law 105-277; jointly to the Committees on Natural Resources and Agriculture.

8440. A letter from the Assistant Regional Solicitor, Department of the Interior, transmitting the Department's ''Answer to Motion to Clarify Record of Modesto and Turlock Irrigation Districts''; jointly to the Committees on Natural Resources and Energy and Commerce.

8441. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's annual report to Congress on the CALFED Bay-Delta Program entitled, ''2007 Calfed Annual Report,'' pursuant to Public Law 108-361, section 105(a)(1); jointly to the Committees on Natural Resources and Transportation and Infrastructure.

8442. A letter from the Secretary, Department of Energy, transmitting the Department's ''2008 Annual Plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program,'' pursuant to Public Law 109-58, section 999B(e)(3); jointly to the Committees on Science and Technology and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1441. Resolution providing for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes (Rept. 110–854). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 6323. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; with an amendment (Rept. 110–855). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1376. Resolution commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life; with amendments (Rept. 110–856). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5244. A bill to amend the truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; with an amendment (Rept. 110–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. Misleading Information from the Battlefield: The Tillman and Lynch Episodes (Rept. 110–858). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS (for himself and Mr. STUPAK):

H.R. 6908. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, 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. PORTER:

H.R. 6909. A bill to direct the Secretary of the Interior to give priority to consideration of applications for permits and other authorizations required for renewable energy projects on Federal public land, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:

H.R. 6910. A bill to establish a monetary prize for achievements in overcoming scientific and technical barriers associated with the development and production of alternative fuel vehicles, to remove certain restrictions on the exploration, development, and production of mineral resources on Federal lands, and to use the resulting Federal revenue to fund the monetary prize and reduce the public debt; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. WEXLER, Ms. SCHWARTZ, and Mr. SHUSTER):

H.R. 6911. A bill to authorize assistance to meet the urgent humanitarian needs of the people of Georgia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOSWELL (for himself, Mr. LOEBSACK, Mrs. BOYDA of Kansas, Mr. SKELTON, Mrs. EMERSON, and Mr. BERRY):

H.R. 6912. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; 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. FLAKE:

H.R. 6913. A bill to provide that no funds made available to the Department of Commerce may be used to implement, administer, or enforce certain amendments made to regulations relating to license exemptions for gift parcels and humanitarian donations for Cuba; to the Committee on Foreign Affairs.

By Mr. HOLT:

H.R. 6914. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable energy provisions for 10 years, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 6915. A bill to amend the Internal Revenue Code of 1986 to extend the alternative motor vehicle credit for 10 years, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. MELANCON):

H.R. 6916. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide assistance to individuals and households that are required to evacuate their primary residences as a result of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself and Mr. SMITH of Texas):

H.R. 6917. A bill to amend the Wilderness Act to allow recreation organizations to cross wilderness areas on established trails, and for other purposes; to the Committee on Natural Resources.

By Mr. COBLE (for himself and Mr. STUPAK):

H. Con. Res. 415. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. WOLF, Mr. SCOTT of Virginia, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. GOODE, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H. Con. Res. 416. Concurrent resolution commending Barter Theatre on the occasion of its 75th anniversary; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CARTER, Ms. GRANGER, Mr. CANTOR, Mr. COLE of Oklahoma, Mr. PUTNAM, Mr. AKIN, Mrs. BACHMANN, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BONNER, Mr. BRADY of Texas, Mr. BURGESS, Mr. CAMP of Michigan, Mrs. CAPITO, Mr. CONAWAY, Mr. FORTENBERRY, Mr. HAYES, Mr. HERGER, Mr. MANZULLO, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mr. PLATTS, Mr. RADANOVICH, Mr. RENZI, Mr. TERRY, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. ENGLISH of Pennsylvania, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. HALL of Texas, Mr. MCCRERY, Mr. RYAN of Wisconsin, Mr. KUHL of New York, Mrs. MYRICK, Mr. GRAVES, Mr. SHUSTER, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. BACHUS, Mr. GOODE, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. WALBERG, Mr. DANIEL E. LUNGREN of California, Mr. SMITH of Texas, Mr. LAMBORN, Mr. MCCAUL of Texas, Mr. PETERSON of Pennsylvania, Mr. MCHENRY, Mr. LINDER, Mr. GINGREY, Mr. ROSKAM, Ms. FOXX, Mr. PITTS, Mrs. MUSGRAVE, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. TIAHRT, Mrs. WILSON of New Mexico, Mr. JORDAN, Mr. SULLIVAN, Mr. POE, Mr. SCALISE, Mr. GOHMERT, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. SAM JOHNSON of Texas, Mr. HOEKSTRA, Mr. PENCE, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. LATOURETTE, Mr. WELDON of Florida, and Mr. SIMPSON):

H. Con. Res. 417. Concurrent resolution expressing the sense of the Congress that the 110th Congess should not adjourn until comprehensive energy legislation has been enacted; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, 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 Mrs. MCCARTHY of New York (for herself, Mr. PLATTS, Ms. WOOLSEY, Ms. HIRONO, Ms. BALDWIN, Ms. BORDALLO, Mr. CHILDERS, Mr. MCGOVERN, Mr. HINCHEY, Mr. ELLISON, Mr. DOYLE, Mr. FILNER, Mr. CLEAVER, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. ENGLISH of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. TOWNS):

H. Res. 1440. A resolution expressing support for designation of the month of October as ''National Work and Family Month''; to the Committee on Education and Labor.

By Mr. BURTON of Indiana (for himself, Ms. BEAN, Mr. CHABOT, and Mr. DAVIS of Illinois):

H. Res. 1442. A resolution supporting and congratulating the people of Serbia on the formation of a new coalition government; to the Committee on Foreign Affairs.

By Mr. DEFAZIO (for himself, Mr. FILNER, Mr. WAXMAN, Mr. BLUMENAUER, Mr. REICHERT, Mr. THOMPSON of California, Mr. INSLEE, Mr. WU, and Mr. MCDERMOTT):

H. Res. 1443. A resolution recognizing the 40th anniversary of the National Trails System Act and the Pacific Crest National Scenic Trail; to the Committee on Natural Resources.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1444. A resolution expressing the Sense of the House of Representatives that the Susquehanna River Basin Commission should carefully consider the energy needs of the United States and the conomic development needs of the region before limiting natural gas exploration and development in the

Marcellus Shale formation; to the Committee on Transportation and Infrastructure.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Ms. SUTTON, Mr. EHLERS, Mr. KNOLLENBERG, Ms. KAPTUR, Mr. LEVIN, Mr. STUPAK, Mr. CAMP of Michigan, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. WALBERG, Mr. UPTON, Ms. KILPATRICK, Mr. VISCLOSKY, and Mr. CONYERS):

H. Res. 1445. A resolution commending the General Motors Corporation on the occasion of its 100th anniversary; to the Committee on Energy and Commerce.

By Mr. SIRES (for himself, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Mr. PASTOR):

H. Res. 1446. A resolution expressing the importance of swimming lessons and recognizing the danger of drowning in the United States, especially among minority children; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself and Mr. RUPPERSBERGER):

H. Res. 1447. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. RUPPERSBERGER.
H.R. 154: Mr. GONZALEZ.
H.R. 219: Mr. FEENEY.
H.R. 522: Mr. MORAN of Virginia.
H.R. 543: Mr. BAIRD.
H.R. 715: Mr. WEXLER, Mr. KLEIN of Florida, and Mr. SERRANO.
H.R. 741: Mr. BOSWELL and Ms. DEGETTE.
H.R. 1014: Mr. WITTMAN of Virginia and Mr. SCALISE.
H.R. 1029: Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. SHAYS, and Mr. RAMSTAD.
H.R. 1246: Mr. BACA.
H.R. 1279: Mr. SNYDER.
H.R. 1280: Mr. GERLACH and Mr. CONYERS.
H.R. 1283: Mr. BILIRAKIS and Mr. WITTMAN of Virginia.
H.R. 1295: Mr. MCINTYRE.
H.R. 1576: Mr. FRELINGHUYSEN.
H.R. 1643: Mr. BISHOP of New York.
H.R. 1650: Mr. KLINE of Minnesota.
H.R. 1655: Mr. KENNEDY.
H.R. 1691: Mr. CONYERS.
H.R. 1738: Mr. REYNOLDS and Mr. RUSH.
H.R. 1767: Mr. LINDER, Mr. LAMPSON, and Mr. FORBES.
H.R. 1953: Mr. ABERCROMBIE.
H.R. 2066: Mr. BISHOP of New York.
H.R. 2188: Mr. SIMPSON.
H.R. 2391: Mr. ALTMIRE.
H.R. 2468: Mr. BERRY, Mr. MURTHA, and Mr. SCOTT of Virginia.
H.R. 2994: Mrs. MYRICK and Mr. WAXMAN.
H.R. 3186: Mr. BRALEY of Iowa.
H.R. 3326: Mrs. TAUSCHER, Mrs. LOWEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3402: Mr. GONZALEZ.
H.R. 3404: Ms. SLAUGHTER and Mr. BISHOP of New York.
H.R. 3458: Mr. BISHOP of Georgia and Mr. CARNAHAN.
H.R. 3479: Mr. CALVERT.
H.R. 3544: Mr. UPTON.
H.R. 3679: Mrs. MUSGRAVE.
H.R. 3820: Mr. BILBRAY.
H.R. 4236: Mr. GORDON.
H.R. 4464: Mr. CARTER.
H.R. 4851: Mr. GEORGE MILLER of California.
H.R. 5131: Mr. PUTNAM, Mr. PORTER, and Mr. ALTMIRE.
H.R. 5174: Mr. OLVER.
H.R. 5461: Mr. CARNAHAN.
H.R. 5611: Mr. FRANK of Massachusetts.
H.R. 5615: Mr. TERRY.
H.R. 5635: Mr. TIBERI and Mr. PITTS.
H.R. 5672: Ms. GRANGER.
H.R. 5734: Mr. LOEBSACK, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. SERRANO, and Mr. BERMAN.
H.R. 5748: Mr. JONES of North Carolina.
H.R. 5782: Mr. SCALISE.
H.R. 5793: Mr. CRENSHAW, Mr. PASCRELL, Mrs. BIGGERT, Ms. GRANGER, Mr. LEWIS of Kentucky, Mr. RENZI, Mr. SCALISE, and Mr. COBLE.
H.R. 5823: Mr. MCNULTY, Mr. LATHAM, Mr. WU, and Mr. MORAN of Virginia.
H.R. 5842: Mr. STARK, Mr. CAPUANO, Mr. THOMPSON of California, and Mr. OLVER.
H.R. 5843: Mr. STARK.
H.R. 5901: Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.
H.R. 5925: Mr. MCGOVERN.
H.R. 5946: Mr. GUTIERREZ.
H.R. 5954: Mr. BISHOP of Georgia.
H.R. 6023: Mr. SCALISE, Mr. MARIO DIAZ-BALART of Florida, and Mr. GOODLATTE.
H.R. 6066: Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. MORAN of Virginia, and Mrs. CHRISTENSEN.
H.R. 6070: Mr. CAZAYOUX, Mr. SCALISE, and Mr. MCINTYRE.
H.R. 6126: Ms. MATSUI and Ms. LEE.
H.R. 6146: Mr. KING of New York.
H.R. 6163: Ms. MATSUI and Mr. SALAZAR.
H.R. 6170: Mr. ROGERS of Kentucky.
H.R. 6172: Mr. WALDEN of Oregon, Ms. HIRONO, Mr. DEAL of Georgia, and Mr. TERRY.
H.R. 6201: Mr. ROSS.
H.R. 6220: Mr. CRENSHAW.
H.R. 6233: Mr. BISHOP of Utah, Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, and Mr. ORTIZ.
H.R. 6268: Mr. BISHOP of Georgia.
H.R. 6293: Mr. FORBES, Mr. WESTMORELAND, and Mr. CRENSHAW.
H.R. 6363: Mr. FILNER.
H.R. 6371: Mr. WILSON of Ohio.
H.R. 6379: Mr. HENSARLING.
H.R. 6387: Mr. CROWLEY.
H.R. 6411: Mr. MITCHELL.
H.R. 6439: Mr. BISHOP of Georgia, Mr. SALAZAR, and Mr. MAHONEY of Florida.
H.R. 6485: Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. MCGOVERN, Mr. TERRY, Mrs. CAPITO, Mr. MCHUGH, and Mr. OLVER.
H.R. 6512: Mr. FEENEY and Mr. DEAL of Georgia.
H.R. 6548: Mr. BURTON of Indiana.
H.R. 6566: Mr. HULSHOF and Mrs. BIGGERT.
H.R. 6567: Mr. ALLEN and Ms. DEGETTE.
H.R. 6568: Mr. WATT, Mr. BISHOP of New York, Mr. ENGLISH of Pennsylvania, and Mr. TIERNEY.
H.R. 6581: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 6594: Mr. MCHUGH and Mr. REYNOLDS.
H.R. 6598: Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. CLEAVER, and Mr. OLVER.
H.R. 6646: Mr. LINDER, Mr. SOUDER, and Mr. FRANK of Massachusetts.
H.R. 6651: Mr. HINCHEY, Mrs. CHRISTENSEN, Ms. MOORE of Wisconsin, and Mr. SIRES.
H.R. 6654: Mr. CHILDERS and Mr. HINCHEY.
H.R. 6680: Mr. RYAN of Ohio and Mrs. CHRISTENSEN.
H.R. 6691: Mr. WITTMAN of Virginia, Mr. BILIRAKIS, Mrs. CUBIN, Mr. CRENSHAW, Mr. KELLER, Mr. MACK, Mr. HENSARLING, Mr. STEARNS, Mr. MCHENRY, Mr. DENT, Mr. HELLER, Mr. TERRY, Mr. DEAL of Georgia, and Mr. BARTLETT of Maryland.
H.R. 6694: Ms. WASSERMAN SCHULTZ, Mr. BACA, Mr. DANIEL E. LUNGREN of California, and Mr. LARSEN of Washington.
H.R. 6696: Mr. FORTUÑO, Mrs. CAPITO, Mr. EHLERS, Mr. FRANKS of Arizona, and Mr. HOEKSTRA.
H.R. 6702: Mr. MCGOVERN.
H.R. 6706: Mr. MCHUGH.
H.R. 6707: Mr. HOLDEN and Ms. NORTON.
H.R. 6709: Mr. BOSWELL, Mrs. MUSGRAVE, and Mrs. BIGGERT.
H.R. 6728: Ms. CORRINE BROWN of Florida.
H.R. 6771: Mr. FORBES.
H.R. 6853: Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINCHEY, and Ms. WASSERMAN SCHULTZ.
H.R. 6856: Mr. CHANDLER.
H.R. 6864: Mr. GOHMERT, Mr. WELCH of Vermont, Mr. HERGER, Mr. MCCOTTER, and Mr. CARTER.
H.R. 6873: Mr. YOUNG of Florida, Mr. TIERNEY, Mr. KING of New York, Mr. BILIRAKIS, Mr. KIRK, Mr. COSTELLO, Mr. THOMPSON of California, and Mr. MORAN of Kansas.
H.R. 6884: Ms. SCHWARTZ.
H.R. 6885: Mr. ARCURI.
H.R. 6895: Mr. ISSA.
H.R. 6905: Ms. BALDWIN and Mr. TOWNS.
H. Con. Res. 284: Mr. WAMP.
H. Con. Res. 294: Mr. BISHOP of Georgia.
H. Con. Res. 357: Mrs. BIGGERT.
H. Con. Res. 362: Ms. PRYCE of Ohio and Mr. WELDON of Florida.
H. Con. Res. 393: Mrs. BLACKBURN.
H. Con. Res. 397: Mr. SHAYS, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. FARR, Mrs. MALONEY of New York, Mr. BURTON of Indiana, Ms. WATSON, Ms. WOOLSEY, Mr. MARSHALL, Ms. SCHAKOWSKY, Ms. GIFFORDS, Mr. PLATTS, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, and Mr. KLEIN of Florida.
H. Con. Res. 407: Mr. PAYNE.
H. Con. Res. 411: Mr. MCHUGH and Mr. COBLE.
H. Res. 101: Mr. CARSON.
H. Res. 672: Mr. MILLER of North Carolina.
H. Res. 925: Mrs. MUSGRAVE.
H. Res. 1042: Mr. PENCE, Mr. DENT, Mr. SAXTON, Mr. LATHAM, Mr. GARY G. MILLER of California, Mr. ISSA, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. BURGESS, Mr. BROUN of Georgia, Mr. GINGREY, Mr. BILBRAY, Mr. SNYDER, Mr. BERMAN, Mr. KINGSTON, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. WESTMORELAND, Mr. PETERSON of Pennsylvania, Mr. SMITH of Nebraska, Mr. SALI, Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Michigan, Mrs. BIGGERT, and Mr. GOHMERT.
H. Res. 1064: Mr. DOYLE, Mr. MEEKS of New York, Mr. PLATTS, and Mr. REYNOLDS.
H. Res. 1258: Mr. ELLISON.
H. Res. 1268: Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. SHULER, Mr. MCDERMOTT, and Mr. MCCOTTER.
H. Res. 1303: Mr. MORAN of Virginia.
H. Res. 1306: Mr. GARRETT of New Jersey.
H. Res. 1335: Mr. SHAYS and Mr. BISHOP of Georgia.
H. Res. 1345: Mr. GRIJALVA.
H. Res. 1364: Mr. AKIN, Mr. BISHOP of Utah, Mr. MARSHALL and Mr. DENT.
H. Res. 1377: Mr. SHERMAN.
H. Res. 1379: Mr. FATTAH, Ms. CLARKE, Mr. FRANK of Massachusetts, and Ms. MCCOLLUM of Minnesota.
H. Res. 1381: Ms. SCHAKOWSKY, Mr. ROYCE, Mrs. EMERSON, Mr. SHAYS, Mr. REGULA, Mr. CRENSHAW, Mr. WATT, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. CAPUANO, Mr. WEXLER, Mr. WU, Mr. OLVER, Mrs. TAUSCHER, Ms. MATSUI, Mr. BERRY, Ms. HOOLEY, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. HINCHEY, Mr. PALLONE, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. COSTA, Mr. COSTELLO, Mr. NEAL of Massalhusetts, Mr. HARE, Ms. KAPTUR, Mr. MOLLOHAN, Ms.

SCHWARTZ, Mr. BOREN, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. INSLEE, Mrs. LOWEY, Mr. KIRK, Mr. MCDERMOTT, and Ms. SOLIS.

H. Res. 1382: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Mr. FILNER, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mrs. NAPOLITANO, Mr. HAYES, Mr. LIPINSKI, Mr. BROWN of South Carolina, Mr. CARNEY, Mrs. CAPITO, Mr. COHEN, Mr. POE, Ms. EDWARDS of Maryland, and Mrs. MILLER of Michigan.

H. Res. 1390: Mr. EHLERS, Mr. PUTNAM, Mr. MOORE of Kansas, Mr. WILSON of Ohio, Mr. CARNEY, Mr. HOLDEN, Mr. BOYD of Florida, Mr. BOSWELL, Mr. SHULER, Mr. ARCURI, and Mr. SNYDER.

H. Res. 1392: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORTENBERRY.

H. Res. 1397: Mr. ELLISON and Mr. ALLEN.

H. Res. 1413: Mr. HARE, Mr. COURTNEY, Mr. PALLONE, Mr. HONDA, Mr. BACA, Mr. HINOJOSA, Mr. SIRES, Mr. VAN HOLLEN, Mr. MCDERMOTT, Ms. SHEA-PORTER, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. LEE, Mr. CLEAVER, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. CARSON, Ms. CLARKE, and Ms. KAPTUR.

H. Res. 1414: Mr. SARBANES and Mr. FILNER.

H. Res. 1418: Ms. BALDWIN and Mr. MOORE of Kansas.

H. Res. 1427: Mr. GINGREY, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. BURGESS, Mr. WHITFIELD of Kentucky, Mr. KINGSTON, Mr. CAMPBELL of California, Mr. SENSENBRENNER, Mr. WALSH of New York, and Mr. CULBERSON.

H. Res. 1428: Mr. COOPER, Mr. ENGLISH of Pennsylvania, Ms. BALDWIN, Mr. LAMPSON, Mr. HOLDEN, Mr. TANNER, Mr. PETERSON of Minnesota, and Ms. DELAURO.

H. Res. 1435: Mr. WOLF and Mr. GUTIERREZ.

H. Res. 1436: Mr. SHULER, Mr. ORTIZ, Mr. MOORE of Kansas, Mr. DOYLE, Mr. CARNEY, Mr. MCGOVERN, Mr. TANNER, Mr. WESTMORELAND, Mr. EDWARDS of Texas, Mr. HONDA, Mr. JEFFERSON, Mr. COURTNEY, Mr. JONES of North Carolina, Mr. MCINTYRE, and Mr. KAGEN.

H. Res. 1438: Mr. MARIO DIAZ-BALART of Florida.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, SEPTEMBER 16, 2008 No. 147

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who inhabits eternity, whose throne is in Heaven, whose footstool is Earth, You are worthy to receive our gratitude, worship, and praise. We thank You for Your gracious mercy and forgiveness when we fail and sin. We praise You for Your grace, which is lavished upon us despite our indifference, our pride, and our selfishness. Lord, we worship You, we adore You, we glorify You. We humble ourselves before You. Let Your presence be felt today on Capitol Hill. Inspire our lawmakers to be examples in their words, faith, and purity. May this be a day in which Your love is expressed in their attitudes and actions. You are worthy, Lord God of the universe, world without end. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE ECONOMY

Mr. REID. Mr. President, on the morning of October 30, 1929, President Herbert Hoover awoke the day after the biggest one-day stock market crash in American history, surveyed the state of the U.S. economy and declared:

The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

In the coming weeks and months after that, President Hoover remained in an economic bubble, unaware of the extreme suffering of ordinary Americans—even declaring that anyone who questioned the state of the economy was a ''fool.''

For Herbert Hoover, I guess ignorance was bliss. It wasn't until the American people replaced this out-of-touch Republican President with a Democrat, Franklin Delano Roosevelt, that our Nation's economic recovery began. Yesterday, nearly 80 years after the Hoover administration took America with blissful ignorance into a depression, the Dow Jones industrial average dropped 504 points—the biggest one-day decline since trading opened after the attacks of 9/11.

With one major investment bank headed for bankruptcy, and another sold at a bargain-basement price, and one of the world's largest insurance companies teetering, investors rushed to sell their shares, and not only in America but all over the world.

With our financial markets reeling, the American people are wondering whether they will lose their jobs, whether they will be able to pay their child's next tuition bill, and whether their pension and retirement savings will be safe, or even whether their bank will survive.

There is no reason to think we are headed into an economic depression. I believe there is no reason to panic. Yet one Senator—JOHN MCCAIN—woke up yesterday morning, surveyed the state of the U.S. economy, summoned the ghost of his fellow Republican Herbert Hoover, and declared:

The fundamentals of our economy are strong.

For whom are the fundamentals of our economy strong? Certainly not the 606,000 American people who have lost their jobs this year. Certainly it is not strong for the commuters and truckers who are sending more and more of their hard-earned dollars overseas to pay for fuel. Certainly our economy is not strong for those struggling to make one paycheck last until the next, with record home heating prices looming in the coming winter months, and the price of oil teetering around $4 for a gallon of gasoline. It is not strong for the cities and towns that have been forced to cut back on police, schools, and firefighters because their tax base is shrinking. Certainly it is not strong for the millions of families who have or may soon lose their homes, or the tens of millions who are seeing their home equity plummet.

No matter what George Bush, JOHN MCCAIN, or the ghost of Herbert Hoover may think, this economy is not strong, and the American people deserve better.

This is not a time for panic, but it is a time to look back on the past 8 years of the Bush-Hoover-McCain economics and figure out what brought us to this point so we don't repeat the same mistakes.

The tragic truth is this disaster was avoidable. In its palpable disdain for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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all things relating to government, the Bush-Cheney administration willfully neglected the Government's most important function, which is to safeguard the American people from harm—not only physical harm but economic harm.

In their simplistic philosophy of ''big business equals good, government equals bad,'' the administration and the Republican Congress failed to conduct oversight, and let the financial sector go wild.

Without anyone regulating their actions, market excess destroyed the financial prudence that allowed a firm such as Lehman Brothers to prosper for 158 years.

Vast fortunes were made virtually overnight, and now vast fortunes have been literally lost overnight. Yesterday, we heard that Hewlett-Packard laid off 25,000 people. There is some talk that Lehman Brothers—somebody may buy them, so instead of losing 25,000 jobs, they will only lose 15,000 jobs. I hope that is the case for those 10,000.

The unfortunate irony is that the Bush administration's zeal to favor big business has crippled it and left the American people to pay the price. President Bush did nothing to stop this disaster, and now he will leave the mess to the next President.

Now our Nation must decide who is better suited to end the Bush-Hoover economics and return sanity and security to our economy.

Senator MCCAIN says the economy is not his strong suit. That is an understatement. That is what he said about himself. So JOHN MCCAIN went searching for an economic adviser who could bolster his weakness. Who did he choose? Phil Gramm. I served with Phil Gramm in the Senate—the same Phil Gramm who was responsible for deregulation in the financial services industry that paved the way for much of this crisis to occur. I like Phil Gramm, but I don't like his economics.

A respected economist at the University of Texas, James K. Galver, said that Gramm was: ''the most aggressive advocate of every predatory and rapacious element that the financial sector has'' and that ''he's sorcerer's apprentice of instability and disaster in the financial system.''

It was Phil Gramm who pushed legislation through a Republican Senate that allowed firms such as Enron to avoid regulation and destroy the life savings of its employees, and it was Phil Gramm's legislation that now has Wall Street traders to bid up the price of oil, leaving us to pay the bill.

Warren Buffett called the results of Gramm's legislation ''financial weapons of mass destruction.'' That is what Warren Buffet said.

And now the architect and leading cheerleader for every mistake and neglect that created the Bush-Cheney financial nightmare is whispering into the ear of JOHN MCCAIN, who says he doesn't know much about the economy. I repeat, that is an understatement.

Whether you call it Hoover economics, Bush economics, or McCain economics, it is not a recipe for change; it is a recipe for more of the same.

For all of the college students worried about finding a job, the working families who don't know how they will pay their bills—talking about families and jobs, a man is coming to visit me from Las Vegas. He has two sons who are so brilliant. One of them, a few years ago, was the only person in Nevada to be admitted to Harvard. He had a perfect score in his SAT. He can't find a job. He is a graduate, with honors, from one of our elite ivy league schools and he cannot find a job. His dad is coming to talk to me to see if I can help him. His other boy is still in college and, of course, worried, as I have indicated, about finding a job. Working families don't know how they will pay their bills, and the fixed-income seniors are trying to figure out how to pay for medicine. We have to do better.

We cannot afford another Republican President who will follow his party's ghosts down the path of recession, depression, and more suffering. We desperately need a President who understands that working people, not industry titans, are the backbone of our country and economy.

We need a President who will cut taxes for working people and senior citizens, end the windfall profits of oil companies, and put that money back into the pockets of those who are paying record prices at the pump, and put millions of Americans back to work by investing in jobs on Main Street, not Wall Street.

In November, we can elect a President who will break from the past and invest in the future, a person of change. But until then, the Senate should pass our tax extenders. We need to do that. If we want to jump-start the economy, let's pass the tax extenders for renewable energy. In the State of Montana, the State of the Presiding Officer, renewable energy is a job creator. On August 18 and 19, I had an energy summit in Las Vegas. We had Democrats, Republicans, academics, and people from the industry. I talked to the Governor from Colorado and asked him how his State is doing. He said they are not being hit as hard as others because they are creating thousands of jobs with renewable energy projects. That is what the future holds for us. We need to pass the energy tax extenders. I hope we can work something out with the Republicans to pass other tax extenders for more than 1 year. We have to get away from the 1-year deal. Let's do them for 2 years so that people in the private sector can look at Congress as a friend. I hope we can do that.

I also think we have to take a look at a stimulus package that funds infrastructure projects, creates jobs, prevents cuts in desperately needed State services, invests in renewable energy, expanded unemployment benefits for victims of this administration's economy, and helps working people and senior citizens afford the costs of energy.

I think the House of Representatives will pass the stimulus bill in the coming days. I hope that today they pass the Energy bill. As I indicated to the distinguished Republican leader, we are going to finish this Defense authorization as soon as we can. I hope to get cloture on it this afternoon.

I hope the unanimous-consent request Senator LEVIN will offer around 11 o'clock—whenever we finish morning business—will be accepted. When we finish that, I think there is an agreement between the Republican leader and me that we are going to go to the tax extenders, renewable first. We have to have a vote on AMT. We are going to vote on the other tax extenders. That will be helpful. It sets a great pattern for what we need to do here. I hope the House follows suit and takes care of that business.

We are going to now have a period for morning business, with Senators allowed to speak for up to 10 minutes each, as soon as the Republican leader finishes his statement, if he has one. The Republicans will control the first 30 minutes, and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of S. 3001, the national defense authorization bill. The managers are working through filed amendments to the bill. Senators should be on notice that the chairman has shared a proposed unanimous consent agreement with Republicans and will ask for consent prior to the caucus recess. If we are unable to reach agreement, at 3 p.m. the Senate will proceed to a cloture vote on the bill, with the final 30 minutes equally divided and controlled by the two leaders, with the majority leader controlling the final 15 minutes. Senators have until 12 noon to file second-degree amendments to the Defense bill.

I will finally say that under the regular procedure, we would have a cloture vote an hour after we come into session. But I had a conversation with the Republican leader last evening, and we felt it would be best to wait until after our caucus so people understood how important this Defense authorization bill is and how Senator WARNER and Senator LEVIN have tried hard to work through all these amendments. Hopefully, we can get cloture invoked and work on the amendments that are available postcloture and finish this bill, say, 9:30 tomorrow morning, something like that. I hope that can be the case.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Missouri.

ENERGY

Mr. BOND. Mr. President, we have heard a very powerful Presidential campaign speech by my good friend the majority leader. He asked what has brought us to this point. What has brought us to the point that farmers are suffering, families are suffering, truckdrivers are suffering—all of us are suffering from the high prices of energy.

It should be no secret to anybody who knows what is going on around here that for the last 20 years, my colleagues on the other side of the aisle have instituted a policy of ''don't drill, don't refine, don't develop nuclear power.'' Our gas and oil prices have gone through the roof because we have artificially constrained the amount of energy we can produce.

What we are asking for and the American people are asking for every time I go home is some common sense. Impose our good, strong environmental regulations. We have the strongest environmental regulations of any nation on the Earth on producing oil and gas. We can pay high sums of ransom to foreign powers, such as Hugo Chavez in Venezuela or Vladimir Putin in Russia or Ahmadinejad in Iran, and get oil and gas that has not been produced with the same environmental protections we have.

Today, the price of oil is only $92 per barrel. A gallon of gas on Friday, before Hurricane Ike, averaged only $3.65. It has come down some now with the unwinding of the Lehman investments in long-term energy futures. But the problem is still there. We have not solved the problem. We have taken some steps that I believe will give the market some encouragement. But if you think oil at only $92 per barrel is good enough, if you think gas falling to $3.65 a gallon is good enough, then you must be one of these people who support the Pelosi plan, the Gang of 10 proposal. You must be one of those people who think we can get away with giving just a little bit of opening of our tremendous oil reserves and gas reserves.

What I can tell you is that the price of oil falling only a little bit is not good enough for the families of Missouri, the farmers, the small businesses in Missouri, the truckers, all of the people who have been hit hard by the high price of gas. The price for a gallon of gasoline falling only a little bit is not good enough for my workers and families in Missouri or the workers and families in the United States. That is why opening a little bit of new oil production is not good enough for our farmers and workers. Missouri's families and farmers, workers and small businesses, like the entire Nation, deserve as much relief as we can responsibly give them from the high gas prices, and we need to do it now.

The suffering of our families in today's tough times is certainly not over yet. The mortgage crisis brought on by speculation in the housing finance market is still ravaging our neighborhoods. High food prices are still ravaging household budgets. High health care budgets are ravaging lifetime savings. High education costs are still crimping our retirement funds. Missouri farmers are still struggling with the high fuel costs they pay to run their farm equipment. Dairy producers are struggling with the surcharges they pay to ship their milk to markets. Our food processors in Missouri and across the Nation are struggling with high transportation costs to obtain their raw goods. Grocers in Missouri and across the Nation are still struggling with high shipping costs. That is the high cost of the price of food—the off-farm fuel costs that go to transportation, driving, and other procedures. And Missouri truckers are suffering from high diesel costs. Missouri airline workers are losing their jobs because of high jet fuel costs. So why would anyone think that just a little price relief is OK? Why would anyone think we just have to lower gas prices a little bit? Our families don't just deserve a little relief; our families deserve as much gas price relief as we can give them. Our truckers don't deserve just a little relief; they deserve as much diesel relief as we can give them. Our farmers don't deserve just a little relief; our farmers deserve as much fuel price relief as we can give them. That is why we should not open just a little bit of offshore oil production. We should open as much new offshore oil production as we can, have it produced in an environmentally responsible manner to drive oil and gas prices as far down as we possibly can to provide as much relief to families and workers as we can.

The proposal we will consider from the Gang of 10 will not open as much new offshore oil as we can, so it will not drive down oil and gas prices as much as we can. It plans to open a handful of sites in southeast Florida to offshore production, but it leaves closed to the American people east coast and Northeast States. It leaves the entire Pacific coast of America closed. Seventy percent of America's offshore areas, off lower 48 States, would still be closed to the American people and the energy they need under the Gang of 10 plan. Eighty-five percent of offshore areas are currently off limits. So how is opening only 15 percent more in offshore production going to provide relief to the American people?

On the other side, the Speaker's plan does not provide relief to the American people either. It opens certain areas of the east and west coasts of America but does so only outside the 50 miles from shore.

There is a funny little statistic that maybe people would be interested in, and that is that most of the oil off the Pacific west coast is less than 25 miles off the shore. More of it is within 50 miles off the shore. So no more than 3 to 5 percent of the oil off California and the west coast would be opened. It leaves closed to the American people the eastern half of the Gulf of Mexico where almost of all the new oil in the east coast lies.

So the Pelosi plan may well be described as opening everywhere that oil is not and leaving closed and off limits to the needs of the American people everywhere the oil is. The plan will do almost nothing to bring the American people gas price relief.

Let me talk about the Gulf of Mexico. We wish everyone—Texas, Louisiana, across that part of the country—Godspeed in their recovery. We prayed for you during the storm. We now pray for you as you put your lives back together. But we are also putting the Nation's oil infrastructure back together.

Hurricane Alley, as the western Gulf of Mexico is often known, is also the port of entry for 64 percent of our imported oil and most of our refineries. Rolling right down Hurricane Alley, Hurricane Ike has shut down 63 percent of our oil rigs, idled 73 percent of our gas output, closed 8 refineries, and stopped 96 percent of gulf oil output. Mother Nature can only tell us we asked for it by concentrating so much oil production in the western gulf, by concentrating so much oil refining in the western gulf, by forcing so much oil importation through the western gulf.

We have only ourselves to blame when we keep other parts of our ocean closed to production. We only have ourselves to blame when we keep the other parts of our shores closed to refining. We have only ourselves to blame when prices spike 17 cents in a weekend, as they did over this weekend. We have only ourselves to blame if we continue the Democratic policies of ''don't drill, don't refine, don't use nuclear resources.'' And if we vote for proposals that still keep most all of our shores off limits, we will have only ourselves to blame for not providing American families, workers, and small businesses the relief they need. We will have only ourselves to blame if we do not provide American families the relief they deserve.

I urge our colleagues to consider American families when we vote to give them as much energy, gas, oil relief as we can—not just a little bit more relief but a lot more relief, finding not just a little bit of oil production but as much new oil production as

we can. Our American workers, American farmers, American small businesses—all of us in our American economy deserve no less. We must produce what we have, and we must do it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Missouri for his comments this morning. I, too, wish to make some comments about our energy problems we are having in this country.

Before the August recess, I and many of my Republican colleagues came to the floor of this great body to make the case for a sound national energy policy that would make a difference to the millions of Americans struggling with high energy prices.

We just heard the majority leader mention energy as a critical problem in America. But, unfortunately, instead of dealing with this issue, it was set aside by the majority party in favor of a recess, and like the recess enjoyed by millions of American schoolkids, this recess was an opportunity for the majority party to run away from the hard work waiting for them on their desks on energy.

When or if we move to the energy debate again, I am hopeful we will be able to accomplish something. This is especially important because this will likely be the last opportunity for many months to offer relief to millions of Americans struggling with high fuel prices. It is relief to commuters, school carpoolers, it is relief for farmers, it is relief for small businesses, grocery shoppers, and all across the spectrum of American life where higher prices mean budget problems.

The price of oil has dropped from its summer high, and that is good, but the fundamental truth remains: America does not control its energy sources. Americans rely on overseas energy, and we pay billions and billions for it. We see those dollars go to countries that sponsor terrorism, which creates additional problems for the security of this country.

Our precarious position comes to everyone's realization when we deal with an interruption in energy. My esteemed colleague from Missouri just finished talking about the impact of Hurricane Ike and how it has had an effect, and that is when Americans realize how precarious our energy supplies are in this country.

For weeks now, dating back to before the August recess, Republicans have been pushing and prodding the Democrats in an effort to address this growing crisis. I suspect that during the August recess Democrats got an earful from their constituents on energy. The citizens of this country told them to release areas off the coast for domestic exploration. They told them to open sections of ANWR to tap millions of barrels of our own vital oil and natural gas supplies. I heard those same concerns raised when I was back in my State during the summer.

Mr. President, the American people have spoken, and it is high time the Democratic Congress started to listen. We must open the Outer Continental Shelf for exploration. Unfortunately, Congress has enacted appropriations riders prohibiting the Department of the Interior from conducting activities related to production of oil and natural gas on much of the Outer Continental Shelf every year since 1982. The current congressional moratorium under which we are operating places nearly 86 percent of America's Outer Continental Shelf lands off-limits for exploration. No other country does that. Fortunately, the current moratorium is set to expire at the end of this current fiscal year; that is, September 30 of this year. In July, President Bush lifted the executive moratorium leaving only the congressional appropriations Outer Continental Shelf moratorium standing in the way of increased U.S. energy production. I encourage our Democratic friends to allow the moratorium to lapse. With the high cost of fuel, we must allow American companies to seek out new sources of energy off our coastal regions.

In conjunction with offshore exploration, we must open vital areas of Alaska and the West. Recently, in my home State of Colorado, the Roan Plateau was finally opened to the bidding process, and I am pleased the Bureau of Land Management was able to move forward with the Roan Plateau lease sale. This sale was important for the people of Colorado because it will generate millions of dollars of revenue for our State. But more importantly, Mr. President, the Roan Plateau development is one of the most environmentally conscious plans ever created, representing almost a decade of collaboration between local, State, and Federal officials. Also, more importantly, is what the Roan Plateau lease sale means for people around the Nation. The development of the oil and gas resources on the Roan Plateau will help secure the midrange future energy needs of our Nation.

The development of the Roan Plateau will be conducted in a staged approach in order to minimize wildlife habitat fragmentation, disturbances, and to encourage innovation in reclaiming many of our disturbed areas. The Roan Plateau is an example of how we can strike a balance between energy development and environmental protections.

While additional production of traditional oil sources is vital, we in Congress must continue to provide incentives for implementation of renewable energy and for the infrastructure necessary to support them. Our fossil fuels have become a bridge to better technology and much of what lies in the area of renewable energy. This is a necessary step in balancing our domestic energy portfolio, increasing our Nation's energy security, and advancing our economic prosperity.

The American people deserve an energy policy that calls for funding more domestic energy sources, including oil, natural gas, clean coal, nuclear, as well as renewable resources and new energy efficiency technologies while not forgetting the conservation aspect of our energy problem and doing everything we possibly can to conserve our precious energy supplies. By investing in renewable energy research and development today, we will actually be saving money in future energy costs.

Energy runs the world in which we live, so without affordable, accessible sources of energy we open ourselves to dangers we simply should not allow to happen. I believe renewable energy and energy-efficient technologies help offset fuel imports, create numerous employment opportunities, develop our domestic economy, and enhance and create export opportunities. In addition, renewable energy and energy-efficient technologies provide clean, inexhaustible energy for millions of consumers.

But renewable energy alone is not enough. We still need additional sources of domestic energy. Mr. President, I disagree with my own Governor from the State of Colorado and the points he was making at the majority leader's energy conference in Nevada, where he stated that renewable energy was the main reason we were having many job opportunities and why our economy was doing well in Colorado. There is no doubt that the renewable energy effort in Colorado has created more jobs. It has created some diversity in our economy, and that is good. But it is the oil and gas industry that has provided the revenues for the State of Colorado and will continue to do it for some time. If we push too hard and too quickly to go to renewable energies before that industry has matured, we will create additional economic problems not only for the State of Colorado but for this country.

It is fascinating when one looks at the retirement portfolio for the employees of the State of Colorado. A large percentage of that revenue and that portfolio is coming from oil and gas companies. It is helping provide for the future retirement of employees who have worked for the State of Colorado. So although renewable energy is beginning to play a larger and more important role in the State of Colorado, it is not ready to replace the huge amount of revenue oil and gas is producing for my State.

One of the most promising sources of domestic energy in the Nation is found in my State of Colorado, and that is oil shale. This shale could easily yield 800 billion barrels of oil, which is more than the entire proven reserves of Saudi Arabia. Now, the estimates on the oil shale in Colorado and Utah and Wyoming are estimated up to 2 trillion, but 800 billion seems as though it is the minimum amount that most people believe we can bring to the surface with the new technologies we have in oil shale, which, by the way, is environmentally favorable.

Unfortunately, we can't even begin to move toward assessing this unparalleled resource because Democratic obstructionism has effectively put this resource out of reach. Any Member of Congress who refuses to consider comprehensive solutions that include reducing energy consumption while increasing domestic supplies is ignoring the needs of this country.

I am very hopeful that within the next few weeks we will be able to find a commonsense approach to our energy crisis that addresses the basic economic law of supply and demand. It is simple: If we increase our supply while reducing demand, energy prices will go down. We shouldn't forget that we live in a supply-and-demand economy.

So, Mr. President, I urge the majority leader, and I urge the majority party to quickly get us on the issue of energy and onto reasonable commonsense solutions to move us forward. This country is dependent on our doing the right thing on energy because it is such an essential part of our economy. It builds into all levels of manufacturing, it builds into each individual American's life, and it is a driving factor when we talk about the inflation that is happening right now in our economy.

So, Mr. President, let's move forward. Let's do something about the energy crisis we have in this country, and let's not let the current election year environment in this country disrupt our effort to try to do what is best in making sure we have a safe and secure country and a secure economy.

Mr. President, I yield the floor, and I ask unanimous consent that the remainder of the Republican time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

OIL MARKET SPECULATION

Ms. CANTWELL. Mr. President, as I rise to speak this morning, for the first time since April 1, the price of oil has fallen to below $100 a barrel, and that is certainly a welcome relief to many Americans across this country and to businesses who have been devastated by high energy markets.

We shouldn't underestimate the damage that has been caused. Just this past Friday, in my home State of Washington, Alaska Air announced that more than 1,000 people will lose their jobs because of high fuel prices and a slowing economy. Compared to last year, Americans have paid $76 billion more for gasoline in 2008, and I know many people went without vacations, and businesses have cut back on their operations.

Now, we have had various independent reports that have shown that the fluctuation in price from 2007 to 2008 cannot be explained by simple supply-and-demand fundamentals. And we are having a hearing at 2:30 this afternoon in the Energy Committee about excessive speculation and how prices were driven to record highs this summer. But what we need to also realize is the scrutiny Congress has placed on Wall Street along with the promise to have stricter oversight has had an impact; prompting a large volume of capital starting to leave these markets.

It wasn't that long ago when President George Bush was picked up on the Internet at a reception saying ''Wall Street got drunk.'' Now, I don't know if the President really meant to have this publicly captured on the Internet, but it was, and I know afterwards his Press Secretary was quoted as saying:

> Well, you know, I actually haven't spoken to him about this, but I imagine what he meant, as I have heard him describe it before in both public and private, was that Wall Street let themselves get carried away and that they did not understand the risks these newfangled financial instruments would pose to the markets.

And while it is Wall Street that has gotten drunk, it is the American public paying for the hangover.

Today, we are struggling to contain one of the most severe credit crises since the Great Depression, and American families are going to pay dearly for that lack of oversight and regulatory indifference to what have been critical markets for us to oversee. I give credit to Secretary Paulson for his swift action over the last couple of weeks to contain the economic fallout from a reeling Wall Street.

During the past decade, the agencies charged with financial oversight have turned their eye from what has been one of the worst excesses our country has seen. My question for my colleagues today is, when are we going to learn the lessons of history and make sure Congress does its job in the oversight of the regulatory agencies so they do theirs?

In many ways, today's super-bubbles are a repeat of the 1920s when too much borrowing to underwrite too many speculative bets using too much of other people's money set up the entire economy for a crash. In 1999, Congress repealed key parts of the Glass-Steagall Act of 1933. The repeal allowed banks to operate any kind of financial businesses they desired, and it set up a situation where the banks had multiple conflicts of interest.

Several economists and analysts have cited the repeal of this act as a major contributor to the 2007 subprime mortgage crisis.

In fact, Robert Kuttner, cofounder and co-editor of the American Prospect magazine wrote in September 2007:

> Hedge funds, private equity companies, and the subprime mortgage industries have two big things in common. First, each represents financial middlemen unproductively extracting wealth from the real economy. Second, each exploits loopholes in what remains a financial regulation.

But we didn't end our deregulation there.

In 2000 we also deregulated a new and volatile financial derivative that is at the heart of today's housing credit crisis—credit default swaps.

As White House press secretary Dana Perino described it earlier this year, these ''newfangled financial instruments'' that posed a risk to the market actually grew into a $62 trillion industry.

Warren Buffett has called these credit-swaps ''financial weapons of mass destruction.''

The proliferation of these newfangled financial instruments has resulted in huge profits and losses without any physical goods changing hands.

I come to the floor asking my colleagues: when are we going to learn the lessons of the past?

When are we going to realize that the 1929 stock market crash has the same root cause as the recent housing bubble?

Both were financed by dangerously high leveraged borrowing. And after the crash many banks failed—causing a ripple effect that devastated our Nation's economy.

After the 1929 crash, Congress stepped up and changed the banking laws to eliminate some of the abuses that had paved the way for economic disaster.

My question is—we acted after the crisis and Congress did step up and do something. What I want to know is whether we have learned our lesson. Are we going to legislate consumer protections in advance, or only after a bubble bursts?

The savings and loan crisis of the 1980s and 1990s when 747 savings and loan associations went under provides a similar lesson.

Like before, much of this mess can be traced back to the deregulation of the savings and loans which gave these associations many of the capabilities of banks, but failed to bring them under the same regulations.

Congress eliminated regulations designed to prevent lending excesses and minimize failures.

Deregulation allowed lending in distant loan markets on the promise of higher returns, and it also allowed associations to participate in speculative construction activities with builders and developers who had little or no financial stake in the projects.

The ultimate cost of this crisis is estimated to have totaled around $160 billion, with U.S. taxpayers bailing out the institutions to the tune of $125 billion. This, of course, added to our deficit of the early 1990s.

I ask my colleagues: When are we going to learn this lesson?

We have failed to see that oversight and transparency are always critical parts of any functioning market.

We have failed to see that when Congress makes reforms, like the Commodities Futures Modernization Act in 2000, or like the repeal of key portions of the Glass-Steagall Act in 1999, or the deregulation of the energy markets in

the 1990s, they cannot disregard these important fundamentals of transparency and strong Federal oversight authority.

I could go on and on for my colleagues on my own personal experience with the western energy crisis that happened in electricity markets in 2000 and 2001.

We saw that during the electricity deregulation experience which started in the mid 1990s, people argued that electricity was just another commodity. But it is really a very critical element to our economy.

Many experts cautioned that electricity was too vital a part of our economy and way of life to let these markets go without the transparency and oversight that is essential.

We all know the rest of the story. We saw that deregulation set the table for some of Enron's spectacular manipulation schemes of 2000 and 2001 among other bad actors, that caused more than $35 billion in economic loss and cost our nation over 589,000 jobs.

Again, only after the crisis was over, did Congress step in. Only after the crisis did Congress give the Federal Energy Regulatory Commission, and now the FTC, more regulatory authority on energy markets. And once more, Congress illustrated that it prefers to act after the fact.

So I ask my colleagues: When are we going to learn?

When are we going to quit deregulating these critical markets without much thought to the transparency and oversight that is critical for markets to operate and function correctly?

When are we going to learn that when we take our eye off he ball, Wall Street raids the cabinet and, as the President say, Wall Street gets drunk?

I mentioned that later today we will be holding a hearing in the Energy Committee to examine the oil futures market. We will examine why we need meaningful legislation to close the loopholes that exist in those dark markets.

This deregulation has helped spark today's price super-bubble, as George Soros warned at a June 3 Commerce Committee hearing, that is driving our markets to no longer be based on supply-and-demand fundamentals.

In one fell swoop, this deregulation did a number of things that enabled today's perfect storm to brew.

No. 1, we let these newfangled financial instruments called credit default swaps go unregulated, and it made it easy to use bad debt to finance home mortgages.

As George Soros wrote in his book documenting the credit crisis:

> At the end of World War II, the financial industry—banks, brokers, other financial institutions—played a very different role in the economy than they do today.

He went on to explain, as I said, that banks and markets are not as strictly regulated today as they were in the past.

In 2000 we deliberately chose not to learn this harsh lesson and allowed these new, volatile financial derivatives that are the heart of today's markets to go unregulated by the Commodity Futures Trading Commission.

What we need to do is make sure we learned this lesson, to go back now and close the loopholes that exist and make sure the agencies that are in charge of oversight actually do their job. We do not want the American people to continue to have to pay for mismanagement and lack of oversight by not having transparency in these markets. We need to make sure these agencies are accountable.

The bottom line is we have a CFTC that is more lax in allowing traders to run amok than protecting families who live on Main Street in America. That is why I continue to hold up CFTC nominations. We need a more sophisticated regulatory regime oversight, including regulators who will be aggressive policemen on the beat. We need to collect more data to make sure that markets are not being manipulated. We need to make sure the market is driven by basic market fundamentals and not greed.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Would the Presiding Officer advise the Senate of the procedure at this time?

The ACTING PRESIDENT pro tempore. The minority has 2 minutes remaining in morning business.

Mr. WARNER. I yield back the time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The bill clerk read as follows:

> A bill (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, and for other purposes.

Pending:

> Reid amendment No. 5290, to change the enactment date.
>
> Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.
>
> Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.
>
> Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.
>
> Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Mr. WARNER. Mr. President, I would like now to address the Senate with regard to my interpretation of the many constructive efforts that have gone on with the chairman and myself and other colleagues to try to move this bill forward. As I speak for a few minutes, I urge my distinguished chairman to engage me in any questions or colloquy if he has views that could be at variance to what I express.

I have an amendment at the desk. It is No. 5569. I shall not call it up at this time. The history of that amendment is as follows:

As many of our Senate colleagues are aware, this past January 29, the President of the United States issued Executive Order No. 13457 instructing the executive branch that agency heads should not base funding decisions on language in a committee report or conference report or any other nonstatutory statement of the views of Congress. The President took this unprecedented step because he believes—and to some extent I share his concern—that it is necessary to reduce the number and cost of what we refer to as earmarks substantially; that is, to reduce them substantially and to make the origin and purpose of the earmark more transparent. To accomplish these objectives, the Executive order requires that henceforth earmarks, as well as any other funding direction from Congress in its exercise of the power of the purse, must be included in the text of the bill voted on by Congress and presented to the President.

In response to the Executive order, I offered an amendment during committee markup, on behalf of Senator MCCAIN and myself and others, which would have put the committee's funding tables in the text of the bill. This was the most simple and direct way to comply with the Executive order. My amendment, after deliberation in committee, was defeated on a 12-to-12 vote. As a result, as reflected in section 1002 of the bill, the committee decided to incorporate our funding tables into the bill by reference; that is, by a provision that states that each funding table in the committee report is incorporated into the act and is made a requirement of law to the same extent as if the funding table was included in the text.

Once our bill reached the Senate floor for consideration by the full Senate, a colleague, Senator DEMINT, filed amendment No. 5405 which, again, takes up the same issue.

Senator DEMINT's amendment would strike section 1002 in its entirety from the bill, thereby removing the funding tables from the bill. The result, as I interpret it, of adoption of the amendment would be that our funding tables would remain only in the committee

and conference report, setting up a conflict with the Executive order. Direction by Congress on the specific funding levels throughout the defense budget would be advisory only.

The President's Executive order, on the other hand, would continue to require agency heads to ignore congressional funding directions unless it is in the text of bills enacted into law.

While I appreciate the efforts by our distinguished colleague from South Carolina and his concern about the use of the incorporation-by-reference technique which I opposed during committee markup, I am just as concerned about striking the reference to the funding tables in the bill and leaving them only in the committee and conference report, given the President's Executive order. While the DeMint amendment would have the positive impact of making earmarks advisory only, it would also undercut the legal authority of every other congressional funding decision which differed from the President's budget. In short, the DeMint amendment would seriously impair the ability of the Senate and Congress to meaningfully exercise the power of the purse. The Armed Services Committee and the Senate and Congress as a whole would lose the ability to direct and enforce cuts in funding, additions to funding that were, in our discretion, required in the President's budget, or to restructure programs that are part of the defense budget.

The amendment I have offered and wish to offer as an alternative to Senator DEMINT is No. 5569. My amendment takes the same approach which I argued during the committee markup. It takes the funding tables from our committee report and puts them directly into the bill text. The amendment is extraordinarily long. It goes on for 225 pages, but it complies with the Executive order in the most direct way possible. As a result, all of our funding decisions are transparent, and each item of funding is subject to further debate and amendment by the full Senate. If the funding decisions are adopted by the Senate and sustained through the conference between the two Houses, they will be included in the text of the bill as passed by Congress and presented to the President. Changes to the funding decisions recommended by the committee are subject to the normal process of amending a bill under the Senate rules and procedures.

I am aware if my amendment was adopted, it would increase the burden of producing our bill and conference report by several days. Many people would be involved in that rather arduous process. We are informed that the best estimate is that about 4 additional days would be required for the committee staff, the Government Printing Office, and supporting House and Senate staff offices to process the detailed data that appears in the funding tables, if they were incorporated into the bill, assuming the Government Printing Office could prioritize its attention and resources on our bill. By ''prioritize,'' I mean what other work from other committees of the Congress, House and Senate, would be before those various administrative sections.

Given the time constraints we face, these 4 additional days add significantly to the challenges of completing a conference between the House and Senate and passing a conference report in both Chambers before the target date for adjournment. While I acknowledge these challenges, I believe my amendment will best comply with the Executive order and its laudatory purposes. We must not simply ignore the Executive order and trust the executive branch to follow congressional funding directions, when the President has emphatically said the Congress must express its direction in the text of bills enacted into law.

When Congress exercises its constitutional power of the purse, it should do so in a transparent, open way subject to full debate and amendment. When Congress speaks on its funding priorities, it should do so decisively, and its pronouncement should have the binding force of law subject only to the President's veto.

The current posture is, this is an important issue. The distinguished chairman and I, together with our staffs, have worked on it. We have recognized the precarious nature of the bill in terms of its ability to be put together, brought to the desk of Senators, and then, subsequently, the conference report, and likewise that being properly put together to comply with this amendment and others. It is a challenge. I have discussed it with the chairman. I guess perhaps being an optimist, I believe if my amendment were adopted, it would reach the result of many colleagues, and we could go forward and do our very best to shorten the time normally in the history of these bills that is used by the conference.

This is our 30th bill. Senator LEVIN is chairman of the conference this year. I would try in every way to support him, if he so desired to try to move, subject to the adoption of this amendment, this bill through the conference. This bill is so important to our country. It is so important to so many Members of our body. We have pending a managers' amendment which Senator LEVIN and our staffs have been working on for the last 4 or 5 days. It is close to 100 amendments which we have reconciled in such a way that, subject to UC, they could be adopted and immediately become a part of the bill prior to any cloture action that will take place as scheduled at 3 o'clock today. That embraces the work and the desires and the objectives of so many Members.

I am not here to fault the fact that a hold or objection is put on a UC to move that package; it is to state the fact. But that objection largely emanates from the issue which I have tried to describe in a very pragmatic and forthright way to help colleagues better understand the current procedural dilemma that faces the body with regard to the bill.

The committee and my distinguished colleagues will work as hard as we can to get this bill through. This is one roadmap; there may be a better one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Virginia for outlining the history of this issue in which we are involved. I am particularly gratified that he now agrees the DeMint amendment will be a significant abdication of legislative power to the executive branch. The reason that would be true is, there would be no reference to the line items we have worked so hard on in law or by reference in law, and that would mean the only thing that would be remaining would be a committee report that has all the work of our committee, not just the earmarks which we have added but also the lines we have added or subtracted to what the President has requested. That is the essential point relative to the DeMint amendment. It would be an absolutely revolutionary change in the powers of the purse, shifting a great deal of that power to the executive branch.

I am delighted the Senator from Virginia has stated it exactly that clearly, or approximately that clearly, so that, hopefully, we can, if not unanimously but on a bipartisan basis defeat the DeMint amendment, if it is offered. Then the question comes up: How can we then incorporate all our effort in committee into the law? There is a lot of problems with doing it, which we pointed out during the committee debate, including the lack of flexibility that this would result in for the President in terms of reprogramming because now every line becomes a program, and that means it would be harder to shift money than it is now because it is easier to shift money within a program through reprogramming than it is between programs. That was an argument which we used in committee. We believe it is true that the executive branch will have less flexibility when it comes to reprogramming if every single line is in law. However, if that is what this body wishes to do—to make it less flexible for the President to offer reprogramming suggestions—that is a problem the executive branch should have, not ours.

Our problem is it would be difficult, if not impossible, to get a conference report—first of all, it is difficult enough to get to conference, but then it would be extremely difficult, if not impossible, to bring a conference report back in the next couple weeks. We have gone through these numbers with the minority. We have a clear assessment by the Government Printing Office that it would add about 4½ days to their work if every single line were made part of the bill rather than being

simply incorporated by reference in the bill, as it now is. We should not take a chance on jeopardizing this bill. This bill is too important to be jeopardized.

The difference between incorporating all these lines by reference in the bill and actually printing them in the bill is either minor, minute or nonexistent legally. What this bill does is incorporate by reference all these lines. They are incorporate into the bill. They are transparent—as transparent as though they were printed in the bill. This green document is no less transparent than this white document. They are both equally transparent. The work of our committee is laid out in the moment in the green document. In this white document, which is the bill, we incorporate by reference in the bill all the line items so they are in the bill, and they can be changed by an amendment which says no money will be spent or less money will be spent for a particular item. It is very readily addressable by the Senate on the floor. The transparency issue is the same. They are both transparent and should be.

So then the question becomes: Is the nonexistent or minute difference between incorporating all these charts in here by law or actually printing them in here, should that risk the passage of this bill? They can be addressed by amendment on the floor of the Senate, even though they are incorporated by reference.

Now, this bill, as my good friend from Virginia says, is too important for us not to pass. We have never not passed an authorization bill, and this should not be the first year, when we have troops in harm's way, when we do not pass a Defense authorization bill. There are hundreds of provisions in here which directly affect the troops and their families. It would be unconscionable for us not to pass a Defense authorization bill. The reason for jeopardizing it simply does not hold water.

So that is the dilemma we are in. If the Warner amendment is adopted, it would seriously jeopardize the chances of being able to pass a bill, even if we can get to conference in the next couple of days. That assessment was made over the weekend in terms of the number of days' delay that would result. That assessment was made by the Government Printing Office. They spent 700 person hours over the weekend at the Government Printing Office to give us this assessment. This is not some casual assessment off the back of an envelope; this is a very serious assessment that was made at huge expense over the weekend in order to give us the most accurate idea as to what the delay would be if we had to print each one of those thousands of lines in the bill itself, instead of incorporating them in the bill by reference. We should not jeopardize the passage of this bill.

That is the only difficulty I now have as a legislator with the Warner amendment. The other difficulty, which we pointed out in committee, has to do with the lack of flexibility that would result to the executive branch in their reprogramming requests. That is a problem the executive branch needs to face, I would think, but as a legislator, what we have to protect is the power of our purse, the power of this Congress to make changes. That is protected in the Warner amendment.

What the Warner amendment does is put at risk this bill, as it may be physically impossible to get to conference, the conference completed, and a conference report back by the end of next week. If we knew there was going to be a lameduck, there would be no problem because we could do this in a lameduck session no matter how much time it took between now and then, but we don't know that there will be a lameduck session.

So the question is whether we are willing to take this risk. I, for one, cannot in good conscience risk the passage of this bill. Although I don't have any problem now with the Warner amendment in terms of its substance, it is what it would result in, in terms of the bill not being able to be adopted as a practical matter.

My problems with the DeMint amendment are very serious and severe. I hope that amendment is not offered, and if it is, I would hope, on a bipartisan basis, it would be rejected by a Senate which has the responsibility to abide by the Constitution of the United States and maintain the power of the purse.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am looking at a memorandum prepared by our staff, and I presume it has been shared with the chairman's staff. We should state to colleagues that what we learned by virtue of a long process that many people were involved in over the weekend is as follows:

In summary, incorporation of the funding tables into the bill would add about 4 days to the process: About a half day for committee staff to prepare the files for the GPO, although much could be done during the conference; 3 days for the GPO to convert the files and proofread them; and about half a day for the committee staff to proofread them when GPO returns the bill in printed form.

Let's sort of chart out a calendar. Today, we are, at the present time, scheduled to have a cloture vote, and if cloture comes about, there is an entirely different scenario, if it is voted in, by which we continue to address the bill. But if by any chance we could reconcile our differences—and we would want Members to know that last night the majority presented to the minority a draft UC that is now being reviewed by my leadership. I am at this moment unable to give the details of what decisions will be made or what options, other than what was presented to us, may be returned back by way of compromise. That is to take place in the coming hours, before 3 o'clock. But there is still the possibility that we could get a UC through that would resolve much of this problem. Then, if we took final passage, say, even late tonight—I mean if we can get the managers' package through, we will have close to 100 amendments in addition to those already handled, and that package is basically equally divided with Republican and Democratic amendments—let's say we have final passage tonight or tomorrow. How does the chairman then plot the timetable by which he used pretty strong language, that this amendment of mine jeopardizes the bill not being passed? Would the chairman give us his basic schedule?

Mr. LEVIN. I thank the Senator. Before I do that, Senator WEBB came to the floor when I assured him he would be able to discuss his amendment, and I am wondering if we could ask unanimous consent that Senator WEBB be recognized as soon as our colloquy is completed and then that Senator COLLINS be recognized after Senator WEBB.

Mr. WARNER. I was not present when either of these Senators appeared. I am being advised by our cloakroom staff that Senator COLLINS came early this morning, at which time the assurance was given to her by someone that she could have 11:30. Now, I don't know quite how to sort this out.

Mr. LEVIN. I wonder if I could inquire of the Senator from Maine how much time she would be using.

Ms. COLLINS. Ten minutes.

Mr. LEVIN. If I could inquire of the Senator from Virginia how much time he would be using.

Mr. WEBB. About 10 minutes.

Mr. LEVIN. If either had said 9 minutes, they would have had a better case.

I wonder if the two Senators whom we referred to could get together and resolve this issue for us as to who would go first and who would go second. Could we ask the two Senators to perhaps help us out on that, and then I would ask that after we talk, if we could have a UC as to that procedure.

In terms of the schedule, assuming we could get the bill passed by tomorrow, which would probably be lucky because there are a number of amendments that are in that unanimous consent agreement that are referred to specifically that have time connected to them—if we could get this bill passed by tomorrow, or cloture invoked, then there is 30 hours of postcloture. We don't know whether that would be used by any of our colleagues. They have a right to do that, and around here, as we know, frequently that 30-hour period is used. If it is not used, we would then have to name conferees, which hopefully would be done fairly quickly. Then the House reviews the Senate bill and determines the committee jurisdiction and names their conferees. That, at a minimum, is

2 to 3 days for the House to do that—to go through that process to see what committees have jurisdiction over the language in our bill, other than the Armed Services Committee. Then the House and the Senate staffs have to match up these provisions for conference. That usually takes 2 days—usually takes 2 days. So if we are lucky, we could start conference 3 to 4 days after passage of this bill, although it usually takes a longer period of time. So if we pass this bill tomorrow, that would take us to the end of the—that would take the House to the end of the week to be ready for conference, if we started conference on Monday. Whatever period the conference takes, even if it took 2 or 3 days, it is the middle of next week. That is before the 4-day period is triggered.

Mr. WARNER. Mr. President, if the Senator will yield, the chairman and I jointly agreed to ask our staffs to begin to preconference this bill. There has been a considerable amount of work done in the form of preconferencing a number of issues.

Mr. LEVIN. There has.

Mr. WARNER. Once the House sees the finality of the Senate bill, I am of the view that the balance can come together fairly swiftly. So I think we have somewhat of a difference of opinion as to the ability of all people of good intention to get together and crunch this time so we can meet the projected deadline of adjournment on the 26th, as I understand it.

Mr. LEVIN. I don't think we have any difference on that, in terms of the ability of people of good faith to get things done.

Mr. WARNER. Yes.

Mr. LEVIN. This assumes maximum crunch, what I specified for the Senator from Virginia. This is an optimistic view of the timetable, where everybody is using 24/7, to the extent that human bodies permit. We don't have any difference in terms of that.

I am wondering if our two friends from Virginia and Maine have resolved who would go first. Could we then allow them to proceed in the order they have agreed upon, and then the Senator from Virginia and I could pick this up after that.

Mr. WARNER. Let's do that. Mr. President, couldn't we just do this informally? Once we ask unanimous consent, we are in a whole new framework of procedures. I think we recognized that, I believe, Senator COLLINS—and my distinguished colleague from Virginia has graciously allowed her to go first, and she would be followed by the Senator from Virginia.

Mr. LEVIN. Mr. President, I ask unanimous consent——

Mr. WARNER. We are back to UC. The word triggers——

Mr. LEVIN. It shouldn't trigger a problem. We use it all day around here. I am simply stating the order for the two Senators to know.

I ask unanimous consent that the Senator from Maine be recognized for 10 minutes, and the Senator from Virginia then be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleagues for finally working this out.

I rise today in strong support of the Fiscal Year 2009 National Defense Authorization Act. Let me begin by thanking the committee's distinguished chairman, Senator LEVIN, for his leadership, and also Senator WARNER, who is taking on double duty, acting as the ranking Republican on the committee in the absence of Senator MCCAIN. I want to take this opportunity to thank the senior Senator from Virginia for his years of service on the committee. He has been a true friend to me and to the members of our committee and the armed services of this Nation, and his guidance, wisdom and, above all, his civility in all matters will be greatly missed. I deeply admire him, and I thank him for his leadership on this bill and on so many other issues.

Mr. WARNER. Mr. President, I humbly thank my distinguished colleague and longtime friend. I am certain she can take my place.

Ms. COLLINS. I thank the Senator.

Mr. President, this legislation will provide essential training, equipment, and support to our troops as they engage in combat overseas and in exercises at home. It also offers an important opportunity for continued debate as to our Nation's strategy in Iraq, especially the cost of reconstruction in Iraq.

I am particularly pleased the legislation we are now debating contains an amendment that Senators BEN NELSON, EVAN BAYH, and I offered to alleviate the burden on the American taxpayers of our operations in Iraq. It is time for the Iraqis to pay more of the costs of securing, rebuilding, and stabilizing their own country. During the Armed Services Committee markup, I joined Senators NELSON and BAYH in authoring the provisions that are in this bill which shift to the Iraqi Government the costs of securing and rebuilding Iraq in order to lift that burden from the shoulders of the American taxpayers.

While our country is struggling with a soaring deficit, the Iraqi Government is awash in oil revenues. The Special Inspector General for Iraq Reconstruction has estimated that Iraq's oil profits will reach $70 billion this year. That is far more than the Government of Iraq anticipated when it established its budget of $47 billion.

Similarly, on August 5, the Government Accountability Office issued a report that provided an in-depth examination of Iraqi revenues, expenditures, and surpluses. This GAO report underscores the need for our amendment requiring the Iraqi Government to assume greater responsibility for its own costs. The report verifies the stronger financial position of the Iraqis due to the unanticipated windfall brought about by record-high oil revenues. According to the GAO, Iraq is likely to receive between $67 billion and $79 billion in revenues from oil sales in 2008 alone—twice the average of revenues between 2005 and 2007. Yet the Iraqis still have not adequately invested in reconstruction efforts in their own country. In fact, they have spent just 28 percent of the $12 billion investment budget.

In addition, the Iraqis had approximately $29 billion in surplus funds that actually went unused during the past 2 years. When Americans are struggling with the high cost of energy, a weakening economy, and a burdensome deficit, there is simply no reason for the American taxpayers to continue paying for the major reconstruction projects, for the salaries, training, and equipping of the Iraqi security forces, or the cost of fuel in a country that has the second largest oil reserves and a burgeoning budget surplus.

Our bipartisan amendment would shift these costs to the Iraqis. Specifically, our amendment prohibits America's tax dollars from being spent on major reconstruction projects in Iraq. It requires the Iraqis to assume the responsibility of paying for the salaries, training, and equipping of Iraq's security forces, including the army, the police, and the Sons of Iraq; it initiates negotiations between our Government and the Iraqi Government on a plan to cover other expenses, such as the fuel used by American forces when they are in-country.

Our proposal was approved unanimously by the Senate Armed Services Committee, and it represents a significant bipartisan change in our policy in Iraq.

The fact is, the American taxpayers cannot wait for the administration to act. We must require this significant reform by changing the law. Asking the Iraqis to take more responsibility for their own security and for the reconstruction of their own country will give them a sense of ownership, and it makes common sense given Iraq's growing budget surplus. That is the purpose of our provision, and I urge my colleagues to support the proposal that we have incorporated into the Defense authorization bill.

The legislation before us also includes a strong commitment to strengthening Navy shipbuilding by including more than $14 billion for shipbuilding programs. It fully supports the Navy's shipbuilding priorities. The declining size of our naval fleet is of great concern to me. This legislation is an important step toward reversing that troubling decline.

The Chief of Naval Operations, Admiral Roughead, has put forth a plan for a 313-ship Navy. It would address longstanding congressional concerns that naval shipbuilding has been inadequately funded. The instability and

inadequacy of previous naval shipbuilding budgets has had a number of troubling effects on our shipbuilding industrial base and has contributed to significant cost growth in the Navy's shipbuilding programs. The 313-ship plan, combined with more robust funding by Congress, will begin to reverse the decline in Navy shipbuilding.

This bill authorizes funding for construction of a third *Zumwalt* class destroyer. The DDG–1000 represents a significant advancement in Navy surface combatant technology.

It is critical that the construction of the first two DDG–1000 destroyers continue on schedule without further delay. It is equally important that Congress provide full funding for the third ship.

The dedicated and highly skilled workers at our Nation's surface combatant shipyards, such as the Bath Iron Works in my great State of Maine, are simply too valuable to jeopardize with any cuts or delays in this program. To date, the Navy has spent more than $11 billion on research, development, detailed design, and advanced procurement for this program. In addition, industry, including not just our shipyards but also a multitude of vendors in over 48 States, has made significant investments in preparation for building this new class of ship. It is critically important in these tight budget times that we not throw away the investment our country has made as the Navy prepares to build the destroyer for the 21st century. That is why I am so concerned that the House version of the Defense authorization bill eliminates funding for the construction of a third ship, and even more troubling, does not provide sufficient funding for the construction of any surface combatant.

Mr. President, as the threats from around the world continue to grow, it is vitally important that the Navy have the best fleet available to counter those threats, keep the sealanes open, and to defend our Nation.

Bath Iron Works and the shipyards of this country are ready to build whatever ships the Navy needs. But it is vitally important that there not be a gap in shipbuilding that jeopardizes our industrial base. I am pleased with the funding provided in this bill. I look forward to resolving this important issue in conference.

Earlier this year, the Navy proposed to truncate the DDG–1000 program after just two ships. In July, after further evaluation, the Navy realized the terrible effect that such a decision would have on the industrial base and on our shipyards, in particular. It would have created a gap in work for Bath Iron Works because of the delays and costs inherent in restarting the DDG–51 line.

It is important to note that Bath Iron Works is prepared to build whatever ships the Navy needs, but that there must be a stable work plan to sustain the industrial base. The best way to achieve that goal, and to take advantage of the billions of dollars already invested in the DDG–1000, is to proceed with the third ship at this time even if the Navy ultimately decides to build more DDG–51s.

The House version of this bill would also require that the next-generation class of amphibious ships be powered by nuclear propulsion systems, even though the shipyard that currently builds those ships does not have either the facilities or certifications required to construct nuclear-powered ships. This provision could dramatically increase the costs of future amphibious force vessels, with some estimates stating it could be as much as $800 million more per ship. This would reduce the overall number of ships that could be built at a time when the Navy is seeking to revitalize and modernize its fleet. It is completely contradictory to the Chief of Naval Operations 313-ship plan.

I am pleased that our Senate bill also includes funding for additional littoral combat ships. While this program has suffered a number of setbacks, the Navy, with the help of Congress, has taken significant steps in order to begin to get this program under control. These ships are important for the Navy in order to counter new, asymmetric threats, and the Navy needs to get these ships to the fleet soon.

I am pleased that the Senate Armed Services Committee also agreed to my request for $25 million in additional funding to continue the modernization program for the DDG–51 *Arleigh Burke* class destroyers. This program provides significant savings to the Navy by applying some of the technology that is being developed for the DDG–1000 destroyer and back fitting the DDG–51, which may reduce the crew size by 30 to 40 sailors.

The Senate's fiscal 2009 Defense authorization bill also includes funding for other defense-related projects that benefit Maine and our national security.

The bill also authorizes $20.6 million for construction of a new drydock support facility at the Portsmouth Naval Shipyard in Kittery, ME. This drydock, and its accompanying support facility, are essential for the shipyard's future work on *Virginia*-class submarines, the Navy's newest attack submarine.

Funding is provided for machine guns and grenade launchers, both of which are manufactured by the highly skilled workers at Saco Defense in Saco, ME.

In addition, the legislation provides $1.5 million to the University of Maine for the continued research and development of modular ballistic tent insert panels. These panels provide crucial protection to servicemembers in temporary dining and housing facilities in mobile forward operating bases in Iraq and Afghanistan.

The bill also authorizes an additional $1.5 million for the University of Maine's work on high temperature sensors that is important to the Air Force. These sensors are capable of sensing physical properties such as temperature, pressure, corrosion and vibration in critical aerospace components.

The legislation also provides $3.5 million for further development of the ripsaw ground vehicle, an innovative unmanned tank-like vehicle, manufactured by Howe and Howe Technologies in North Berwick, ME. This technology will have the ability to provide force security for our troops by taking them directly out of harm's way.

Finally, I am pleased that this bipartisan Defense bill also authorizes a 3.9 percent across-the-board pay increase for servicemembers, half a percent above the President's budget request.

This bill provides the necessary resources to our troops and our Nation and recognizes the enormous contributions made by the State of Maine. The bill provides the necessary funding for our troops, and I offer it my full support.

Mr. WARNER. Mr. President, if I might ask my colleague for 30 seconds. I listened carefully to the Senator's thoughts on the Iraqi funding issue. I commend the Senator for that. We have amendments that address it. In the managers' package are certain amendments that the Senator from Maine put in. That is a very important issue. We owe no less responsibility to the American taxpayers but to assure that every single dollar going into that area at this time is absolutely essential for the purpose of the mission of our troops and otherwise, and that the Iraqi Government be made aware that they are a sovereign government now and such expenses as can be should be borne by that Government.

Ms. COLLINS. I thank the chairman. I agree with his comments. I am delighted with the support he and the chairman have given to this effort. I thank the Senator.

The ACTING PRESIDENT pro tempore. The junior Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 15 minutes on amendment No. 5499.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I will begin by associating myself with many of the remarks made by the Senator from Maine. As someone who served as the Secretary of the Navy, along with the senior Senator from Virginia, I have strong feelings about the strength of the Navy and the size of our fleet.

I introduced an amendment on Friday that I would like to urge my colleagues to examine and support. We are in an odd situation in the business of Government at the moment in that the international authority for the United States to be operating in Iraq will expire at the end of this year. The U.N. mandate, through the U.N. Security Council, expires at that time.

Since last November, this administration has been negotiating what is called a Strategic Framework Agreement that is intended to replace the

international authority of that U.N. mandate. Two questions have come up, however, with respect to what the administration is doing. The first is the timeline. This is an agreement that, by all accounts, has not yet been fully negotiated. It is being negotiated by the administration without the participation of the Congress, and there are indications from Iraq that the Iraqi Government negotiators themselves have serious questions that had not been anticipated at the beginning of this process. So we have a potential, with the timeline, that the U.N. mandate will run out at the end of the year and there will not be an agreement in place that authorizes the presence of our forces in Iraq under international law.

The larger question is constitutional. What entity of the Federal Government has the authority to enter the United States into a long-term relationship with another government? Both of these are serious issues. I submit that the conditions under which we will continue to operate in Iraq militarily, diplomatically, economically, and even culturally, are not the sole business of any administration. These questions involve the legal justification under domestic and international law for the United States to operate militarily—and quasi-militarily, by the way, given the hundreds of thousands of independent contractors that are now essentially performing military functions in that country.

There are questions about the process by which the U.S. Government decides upon and enters into long-term relations with another nation—any nation. In that regard, there are serious questions about the very working of the constitutional system of our Government.

This administration has claimed repeatedly since last November that it has the right to negotiate and enter into an agreement that will set the future course of our relations with Iraq without the agreement, the ratification, or even the participation of the Congress.

The administration claims the justification for this authority can be found in the 2002 congressional authorization for the use of force in Iraq or, as a fallback position, the President's inherent authority, at least from the perspective of this administration, as Commander in Chief.

Both of these justifications are patently wrong. The 2002 congressional authorization to use force in Iraq has nothing to do with a negotiation of a government which replaced the Saddam Hussein government which did not exist in October of 2002, as to the future relations culturally, economically, diplomatically, and militarily between our two countries.

On the other hand, we are faced with the reality that the U.N. mandate will expire at the end of this year and that this expiration will terminate the authority under international law under which the United States is operating in Iraq at a time when we have hundreds of thousands of Americans on the ground in that country.

I and several other colleagues have been warning of this serious disconnect for 10 months. Many of us were trying to say last November that apparently the intention of this administration has been to proceed purely with an Executive agreement to drag this out until the Congress was going out of session, as we are about to do, and then to present essentially a fait accompli in the sense that with the expiration of the international mandate from the United Nations at the end of the year, something would have to be done, and that something would be an Executive agreement that to this point the Congress has not even been allowed to examine. We have not been able to see one word of this agreement.

We tried to energize the Congress. We met with all of the appropriate administration officials. There have been hearings. There have been assurances from the administration that they will consult at the appropriate time, as they define it. We have seen nothing. And so we are faced with a situation that is something of a constitutional coup d'etat by this administration.

I say to my colleagues that we all should be very concerned. At risk is a further expansion of the powers of the Presidency, the result of which would be to affirm in many minds that the President—any President—no longer needs the approval of Congress to enter into long-term relations with another country, in effect committing us to obligations that involve our national security, our economic well-being, and our diplomatic posture around the world without the direct involvement of the Congress. This is not what the Constitution intended. It is not in the best interest of the country.

This amendment, which I offered on Friday, is designed to prevent this sort of imbalance from occurring and at the same time it recognizes the realities of the timelines that are now involved with respect to the loss of international authority for our presence in Iraq at the end of this year.

The amendment is a sense of the Congress. On the one hand, it is a sense that we should work with the United Nations to extend the U.N. mandate up to an additional year, giving us some additional international authority for being in Iraq, if needed, taking away the pressure of this timeline that could be used to justify an agreement that the Congress has not had the ability to examine, but also saying that an extension of the U.N. mandate would end at any time where a Strategic Framework Agreement and a Status of Forces Agreement between the United States and Iraq would be mutually agreed upon.

The amendment also makes the point that the Strategic Framework Agreement now being negotiated between the United States and Iraq poses significant, long-term national security implications for this country, and this would be the sense of the Congress. We need to be saying that. The Iraqis need to hear it from the Congress.

The amendment also puts Congress and the administration on record regarding the many assurances that the Bush administration has made to fully consult with the Congress with respect to all the details of the Strategic Framework Agreement and the Status of Forces Agreement and that copies of the full text of these agreements will be provided to the chairmen and ranking minority members of the appropriate committees in the House and the Senate prior to the entry into either of these agreements.

It is important to say that the Strategic Framework Agreement that has been mutually agreed upon by the negotiators from our executive branch and the Iraqi Government officials will cease to have effect unless it is approved by the Congress. This amendment states that within 180 days of the entry into force of that agreement, the Congress would approve it. We are not calling for the full and complicated procedures of a treaty, but we are saying a majority of the Congress should approve any agreement that has been entered into.

On the one hand, this agreement recognizes the realities of where we are in terms of timelines, but on the other it protects the constitutional processes by which we are entering into long-term relations with other countries, whether it is Iraq or any other country around the world.

We need, as a Congress, to preserve this process. It does not operate in a way that would disrupt our operations in Iraq. I urge my colleagues to join me on this amendment and protect the prerogatives of the Congress under the Constitution.

I understand this amendment will be included in the unanimous consent request that will come for a vote later today. I hope my colleagues will support me on it.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I may say, I have been viewing the two drafts of the UCs. Momentarily, I expect the chairman and I will decide how to deal with it. But I assure the Senator that the Webb amendment is in both drafts of UCs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator WEBB for this sense-of-the-Senate resolution. We have the assurance of the administration that they will share the text with the leadership of the Congress and with the chairmen and ranking members of the Senate and House Armed Services Committees and Foreign Relations Committees. But this goes beyond it and takes an essential step beyond that commitment.

We should be involved in this kind of a long-term relationship. I commend

the Senator from Virginia for his drafting of this amendment. It is very careful. I believe, based on the assurance of Senator WARNER, that it will be included in any UC that is propounded. I hope that UC—any UC—can be adopted and that, indeed, it will include the Webb amendment as having the assurance of a vote.

Mr. WEBB. I thank the chairman and the senior Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask the Chair to notify me when I have reached the 1-minute mark.

Mr. President, I first want to say, as I rise to support the National Defense Authorization Act of 2009 and honor all of our service members and their families who continue to serve and sacrifice for the sake of the country, that I am very appreciative of the leadership of both Chairman LEVIN and Senator WARNER and, obviously, Senator MCCAIN who has been absent some and Senator WARNER has so ably filled in.

Chairman WARNER will always be chairman to me. He has been my dear friend through many years. What a great service to our country this great American has provided in the true Virginia gentleman tradition. He has always been such an asset to this body and such an asset to our men and women in uniform. I thank Senator WARNER for his great service, I thank him for his friendship, and I thank him for what he does every day for our men and women in uniform.

Mr. WARNER. Mr. President, I humbly acknowledge the gracious remarks, and I express my appreciation.

Mr. CHAMBLISS. Mr. President, last week marked the seventh anniversary of the day our country was attacked by terrorists, resulting in the deaths of approximately 3,000 innocent people. Since that day and for the past 7 years, our Nation has devoted itself to winning the global war on terrorism.

It is astonishing how the commitment of our soldiers, airmen, sailors, and marines has inspired the Afghan and Iraqi people to build their own political framework, improve their security and infrastructure, and promote human rights, freedom, and democracy in their respective countries. I am proud to say that our commitment to and investment in the global war on terrorism is now bearing fruits that are leading to a safer and more democratic world.

All of our accomplishments in this area start with our servicemembers and their families who every day face the challenges, sacrifices, and dangers inherent in the profession of arms. Congress is entrusted with providing the necessary resources, policies, and programs for our servicemembers and military departments in order to ensure their success.

This year's National Defense Authorization Act serves as the vehicle to do just that and provides the resources and policies to carry out the missions we ask of our military.

Specifically, the bill provides the following:

An increase of 7,000 soldiers, 5,000 marines, and 3,371 full-time personnel for the Army National Guard and Army Reserve over the 2008 force structure levels; a 3.9-percent pay raise for all military personnel; a total of $125 billion for military personnel to improve allowances, bonuses, permanent change of station moves, and death benefits; reauthorization of over 25 types of bonuses and special pay to promote enlistment and continued military service; more rigorous oversight procedures for military housing privatization projects; and a report to Congress on the implementation of the Yellow Ribbon Reintegration Program.

I also have several amendments to the bill, all of which I understand will be included in a manager's package. I wish to discuss these amendments very briefly.

First, last year, I worked with many of my colleagues to include a provision in the National Defense Authorization bill allowing for members of the Guard and Reserve who deploy in support of a contingency operation to receive their retired pay early based on how much time they deploy. This year, Senator KERRY and I, along with 15 other Senators, have offered an amendment that would make this provision retroactive to include any duty performed after September 11, 2001.

This amendment recognizes a significant sacrifice that members of the Guard and Reserve and their families have made since 9/11 in answering the call of duty. It is only right that their duty and support of the global war on terrorism since September 11 be recognized and included when considering when they should receive retired pay. It is my hope we can keep this provision in conference and included in the final version of the bill.

Also for the Guard and Reserve, I have offered an amendment, cosponsored by my colleague MARK PRYOR from Arkansas, which would provide 180 days of transitional health care for members leaving active duty who agree to affiliate with the Guard and Reserve. An identical provision was sponsored and included in the House bill by my good friend Congressman SANFORD BISHOP from Georgia. This amendment provides a powerful incentive for members leaving active duty to join the Guard and Reserve and could result in several thousand more people entering the Guard and Reserve each and every year.

I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the Reserve Officers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION,
Washington, DC, September 15, 2008.

Hon. SAXBY CHAMBLISS,
Chairman of the Senate Reserve Caucus, Russell Office Building, Washington, DC.

DEAR SENATOR CHAMBLISS: The Reserve Officers Association, representing 65,000 Reserve Component members, supports Amendment 5356 of the Senate Defense Authorization bill, S. 3001, which grants transitional health care to active duty personnel as they become a member of the armed forces reserve component.

It is important to reduce the barriers that prevent people from joining the National Guard or Reserve. Providing transitional TRICARE health coverage permits serving members and their families to continue with the same coverage they received while on active duty, and allow them time to qualify for TRICARE Reserve Select. Your amendment provides a recruiting incentive that helps the individual, his or her family and the armed forces.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson with any question or issue you would like to discuss.

Sincerely,

DENNIS M. MCCARTHY,
Lieutenant General USMC (Retired),
Executive Director.

Mr. CHAMBLISS. Mr. President, another amendment I have offered to the bill, along with my colleague from Georgia, Senator ISAKSON, provides a sense of the Senate on the care of wounded warriors. Last year's Defense Authorization bill contained the Wounded Warrior Act which went a long way to helping DOD and Department of Veterans Affairs establish a network of recovery care coordinators who would work to manage and coordinate care for recovering servicemembers. This is a powerful program and stands to make a huge impact in the lives of our wounded warriors. My amendment calls on DOD and the VA to expedite the recruiting, training, and hiring of these personnel, and also to partner with civilian institutions, such as the Medical College of Georgia School of Nursing, to help train these personnel and ensure they have access to the most up-to-date research and skills in order to best serve our wounded warriors.

Two other amendments I will mention briefly are first a sense of the Senate that the Air Force should conduct a robust demonstration of the SYERS system on the Joint STARS aircraft. SYERS would provide an expanded combat identification capability for Joint STARS and the Air Force should fully explore its utility and the possibility of incorporating SYERS on the entire Joint STARS fleet.

Second, I have offered an amendment that would require DOD to report to Congress on the requirement for Non-dual status National Guard technicians. These personnel are often used to backfill deploying Guard personnel, and due to the large number of deployments, we need to look at expanding the number of Non-dual status technicians as a means of ensuring the Guard's home State missions are not neglected.

The National Defense Authorization Act is designed to strengthen our military, provide the required resources to the Department of Defense to carry out the responsibilities our Nation asks of them, and to improve our servicemembers' and their families' quality of life. The proposed legislation and the funding priorities will ensure that our Nation maintains an adept and quality force to defend our country and allow us to continue to be an ambassador for a prosperous and peaceful world. I commend the chairman, the ranking member, and committee staff for their hard work on the bill and their diligence in bringing it to the floor.

Unfortunately, the bill does have several problematic provisions, including an unnecessary limitation on the role of private security contractors and an unnecessary prohibition on trained and qualified personnel conducting lawful interrogations. I hope we can address and resolve these issues in conference in a way that best serves our military personnel and allows them to effectively carry out their responsibilities.

I also hope the Senate can complete action on this very important piece of legislation and proceed to a House-Senate conference and passage of a conference report prior to the end of this month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Senator FEINSTEIN pertaining to the introduction of S. 3493 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. FEINSTEIN. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

THE ECONOMY

Mr. DURBIN. Mr. President, we continue to read today, as we did yesterday, about dramatic changes in the American economy, particularly the problems facing many of our larger financial institutions.

Not that many weeks ago, the Federal Government stepped in when Bear Stearns was in a terrible economic state and took over the responsibility for that company. It was an extraordinary decision because this is a company that we had not regulated as a Federal Government, not one at least in detail. We knew their transactions and balance sheets, but we put the full faith and credit of the American people and our Treasury behind rescuing Bear Stearns.

Then a little over a week ago the decision was made by this administration to do the same for two entities, Government-sponsored entities, Fannie Mae and Freddie Mac. These were the major institutions for housing in America. Between them, some 50 percent of all mortgages were being held. It was understandable that decision was made because the alternative was unthinkable. If Fannie Mae and Freddie Mac should collapse, it would jeopardize not only mortgages and homeowners but also the American economy. It is such a large part, it is understandable that the administration stepped in to make that decision.

Now this week comes a new round. Lehman Brothers, a company in New York which has prospered for many years, now faces bankruptcy, and along with it the question of the future of Merrill Lynch, a major brokerage house which appears to be in line to be acquired by Bank of America.

These are dramatic and unsettling events and a reminder to all of us that the state of the American economy is not as sound and solid as we would like to see it. But those are the events which happened at the highest levels of finance and the highest levels of Wall Street.

All of us representing our constituents—I represent Illinois—have traveled around our States and met with small business men and women, family farmers, and families as well, talking about the situation they face today. They do not make the headlines as Merrill Lynch or Lehman Brothers, but they should because if you go across the board and talk to these working families, these middle-income families, you will find that over the last 7 or 8 years, this country has not been kind to them. Their spending power has been reduced. They continue to work. They are productive workers. America's economy is a productive economy. And yet they have not been rewarded for their work. Their wages have not kept up with the cost of living. They have fallen behind under this Bush administration some $2,000 worth of spending power at a minimum. These are the people who are paying $4.50 per gallon of gasoline trying to figure out how to get back and forth to work and to meet their obligations to their families and friends.

These are folks who are struggling with the cost of groceries and clothing. They are the same ones trying to figure how in the world to put their kids through college so their kids will not end up with student loans that look like their first mortgages.

They are worried also about health care, about the health insurance plans that do not cover as much this year as they did last year. They are worried about the out-of-pocket payments they may have to make. They realize, most of them, they are one diagnosis away from bankruptcy. That is the reality of life in the economy beyond Wall Street.

So when you look across the board at this economy, you realize the fundamental weaknesses of what we face today. Of course, the housing market has been the catalyst for some of the problems we now see. It turned out that the greed of Wall Street, of the overreaching of some companies, led to loans and mortgages which were totally unwise.

Many of those now have resulted in foreclosures, where people are having to leave their homes. Their misfortune is being visited on their neighbors. I recently had an appraisal on my home in Springfield. It is the same home I lived in when I was first elected to Congress many years ago. I have been there a long time. I have to tell you the value of my home has gone down 20 percent.

Why? It is not because we did not keep it up—we do a fairly good job with that—it is because the economy is weak in my hometown of Springfield, IL, and foreclosures nearby have taken their toll on the value of my home. We made all of our mortgage payments, but the value of our home went down 20 percent. That is the reality a lot of people are facing. My story is not one that should bring tears to anybody's eyes; we will get through it. But a lot of folks cannot. They cannot get through this, and that is where we are in the economy today.

How did we reach this point? We reached this point when we adopted a mentality that was dominant in this city for so long that, first, get Government off my back. Government is my enemy. Deregulate.

That was a pretty popular mantra around here 10 or 15 years ago. In fact, a lot of people laughed about it. Even

people such as the venerable wise critic, Rush Limbaugh, said: If we close down the Federal Government no one would even notice.

Well, he was wrong when he said it. He would certainly be wrong today because what has happened to us is a reminder that there is an appropriate and important role that Government needs to play. As strong as our entrepreneurial free market economy is, if it is not subject to oversight and accountability, it can spin out of control.

That is what happened with this subprime mortgage market. Instead of having appropriate oversight and accountability, loans were made which made no sense whatsoever, and eventually that credit operation collapsed leading to the foreclosures we see today.

What we see on Wall Street now with many of these investment banks going under are credit institutions which are not subject to Government regulation. It is like playing ''off the books.'' If a business does that, the IRS comes in and says: You have just violated the law. You are supposed to put everything on the books and report to us.

Well, there is a whole world of credit and finance that is ''off the books'' when it comes to regulation and oversight by the Federal Government. And that is the world that is collapsing. It is an indication to me that when we faced a similar situation 75 years ago, with the Great Depression, that Franklin Roosevelt got it right. He understood that the economic problems in America called for sensible regulation and disclosure and transparency and accountability.

He created agencies which responded to the economy of the day. Regulation, yes, but without that regulation, unfortunately, the market was spinning out of control to the detriment of everyone, not just business owners but workers, farmers, and people who are just trying to get by.

We need to return to a mindset which says there is an appropriate role for Government. There are things which our Government can do which private industry, on its own devices, will not do. That is why we need to be more sensible when it comes to regulation.

Yesterday, the Republican candidate for President, JOHN MCCAIN, said:

> Our economy, I think still the fundamentals of our economy are strong.

I would say that Senator MCCAIN does not accurately portray our economy today. I wonder which economy he is talking about? Is he talking about an economy with record unemployment, the highest in 5 years? Is he talking about an economy with record home foreclosures, the most since the Great Depression? Is he talking about an economy where people's savings that they count on for the future—the value of their home or their 401(k) or their retirement account—have been diminished by the state of this economy? He cannot be talking about the economy where middle-income families have fallen behind in their spending power, where they find it difficult to live paycheck to paycheck, let alone save some money. He cannot be talking about an economy with $4.50 gasoline, with diesel fuel that is even more expensive, and jet fuel that is running the aviation industry out of business.

What economy is JOHN MCCAIN talking about? It is interesting how close his quote comes to one from another person who happened to be elected President. His name was Herbert Hoover; the date was October 25, 1929. This was just shortly before, days before, the great stock market crash.

Here is what President Herbert Hoover said then:

> The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

That was said days before the stock market collapsed. This quote from JOHN MCCAIN yesterday is reminiscent of President Hoover. It shows the same lack of connection to the real world in which people are living.

When it comes to Senator MCCAIN's philosophy and how we should approach these issues, he has been pretty outspoken. It has been printed this morning in an article in the New York Times written by Jackie Calmes. She wrote:

> In early 1995, after Republicans had taken control of Congress, Mr. MCCAIN promoted a moratorium on Federal regulations of all kinds. He was quoted as saying that excessive regulations were ''destroying the American family, the American dream,'' and voters ''want these regulations stopped.'' The moratorium measure was unsuccessful.

He told the Wall Street Journal last March: ''I'm always for less regulation, but I am aware of the view that there is a need for government oversight'' in situations like the subprime lending crisis, the problem that has cascaded through Wall Street this year.

Senator MCCAIN concluded: ''But I am fundamentally a deregulator.''

Later that month Senator MCCAIN gave a speech on the housing crisis in which he called for less regulation saying:

> Our financial market approach should include encouraging increased capital in financial institutions by removing regulatory, accounting and tax impediments to raising capital.

Senator MCCAIN has been consistent. He has opposed Government oversight, accountability, and regulation. Now, it can go too far. Do not get me wrong. We have seen it at its worst. But if you do not have a fundamental oversight effort being made by the Government, then consumers and the economy are at the mercy of those who go too far.

Inevitably they will go too far. I can recall the savings and loan crisis, leading to a taxpayers bailout. I now see the problems in the subprime mortgage situation leading to a taxpayers bailout of Fannie Mae and Freddie Mac, Bear Stearns, and maybe others. If we do not keep an eye on their activities and demand accountability, we will end up paying the price.

That is why this election is so fundamental. If we want to continue the economic policies of the Bush-Cheney administration that have led us to this sorry moment, then Senator MCCAIN is clearly the person who should lead this country for the next 4 years. But if we are going to change those policies, if we are going to give middle-income and working families a fighting chance in this economy, if we are going to have a Tax Code written not to reward wealth but to reward work for a change, then we need a change in Washington. We need to have a new approach, not only a new economic and tax policy but the kind of regulation that provides protection from the excesses of the market. Even Senator MCCAIN yesterday referred to the greed on Wall Street. Left unchecked, unfettered, this greed can spin out of control. That is why there is such a fundamental choice facing American families in only 7 weeks.

I ask unanimous consent to have the New York Times article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 16, 2008]

IN CANDIDATES, 2 APPROACHES TO WALL STREET

(By Jackie Calmes)

WASHINGTON.—The crisis on Wall Street will leave the next president facing tough choices about how best to regulate the financial system, and although neither Senator Barack Obama nor Senator John McCain has yet offered a detailed plan, their records. and the principles they have set out so far suggest they could come at the issue in very different ways.

On the campaign trail on Monday, Mr. McCain, the Republican presidential nominee, struck a populist tone. Speaking in Florida, he said that the economy's underlying fundamentals remained strong but were being threatened ''because of the greed by some based in Wall Street and we have got to fix it.''

But his record on the issue, and the views of those he has always cited as his most influential advisers, suggest that he has never departed in any major way from his party's embrace of deregulation and relying more on market forces than on the government to exert discipline.

While Mr. McCain has cited the need for additional oversight when it comes to specific situations, like the mortgage problems behind the current shocks on Wall Street, he has consistently characterized himself as fundamentally a deregulator and he has no history prior to the presidential campaign of advocating steps to tighten standards on investment firms.

He has often taken his lead on financial issues from two outspoken advocates of free market approaches, former Senator Phil Gramm and Alan Greenspan, the former Federal Reserve chairman. Individuals associated with Merrill Lynch, which sold itself to Bank of America in the market upheaval of the past weekend, have given his presidential campaign $300,000, making them Mr. McCain's largest contributor, collectively.

Mr. Obama sought Monday to attribute the financial upheaval to lax regulation during the Bush years, and in turn to link Mr. McCain to that approach.

''I certainly don't fault Senator McCain for these problems, but I do fault the economic

philosophy he subscribes to,'' Mr. Obama told several hundred people who gathered for an outdoor rally in Grand Junction, CO.

Mr. Obama set out his general approach to financial regulation in March, calling for regulating investment banks, mortgage brokers and hedge funds much as commercial banks are. And he would streamline the overlapping regulatory agencies and create a commission to monitor threats to the financial system and report to the White House and Congress.

On Wall Street's Republican friendly turf, Mr. Obama has outraised Mr. McCain. He has received $9.9 million from individuals associated with the securities and investment industry, $3 million more than Mr. McCain, according to the Center for Responsive Politics, a watchdog group. His advisers include Wall Street heavyweights, including Robert E. Rubin, the former treasury secretary who is now a senior adviser at Citigroup, another firm being buffeted by the financial crisis.

If many voters are fuzzy on the events that over the weekend forced Lehman Brothers Holdings Inc. into bankruptcy and Merrill Lynch & Company. to be swallowed by the Bank of America Corporation, the continuing chaos among the most venerable names in American finance—coming on top of the recent government seizure of mortgage giants Fannie Mae and Freddie Mac and the demise of the Bear Stearns Companies—has stoked their anxiety for the economy, the foremost issue on voters' minds.

So it was that first Mr. Obama and then Mr. McCain rushed out their statements on Monday morning before most Americans had reached their workplaces.

To the extent that travails on Wall Street and Main Street have both corporations and homeowners looking to Washington for a hand, that helps Mr. Obama and his fellow Democrats who see government as a force for good and business regulation as essential. Yet Mr. McCain has sold himself to many voters as an agent for change, despite his party's unpopularity after years of dominating in Washington, and despite his own antiregulation stances of past years.

Mr. McCain was quick on Monday to issue a statement calling for ''major reform'' to ''replace the outdated and ineffective patchwork quilt of regulatory oversight in Washington and bring transparency and accountability to Wall Street.'' Later his campaign unveiled a television advertisement called ''Crisis,'' that began: ''Our economy in crisis. Only proven reformers John McCain and Sarah Palin can fix it. Tougher rules on Wall Street to protect your life savings.''

Mr. McCain's reaction suggests how the pendulum has swung to cast government regulation in a more favorable political light as the economy has suffered additional blows and how he is scrambling to adjust. While he has few footprints on economic issues in more than a quarter century in Congress, Mr. McCain has always been in his party's mainstream on the issue.

In early 1995, after Republicans had taken control of Congress, Mr. McCain promoted a moratorium on federal regulations of all kinds. He was quoted as saying that excessive regulations were ''destroying the American family, the American dream'' and voters ''want these regulations stopped.'' The moratorium measure was unsuccessful.

''I'm always for less regulation,'' he told The Wall Street Journal last March, ''but I am aware of the view that there is a need for government oversight'' in situations like the subprime lending crisis, the problem that has cascaded through Wall Street this year. He concluded, ''but I am fundamentally a deregulator.''

Later that month, he gave a speech on the housing crisis in which he called for less regulation, saying, ''Our financial market approach should include encouraging increased capital in financial institutions by removing regulatory, accounting and tax impediments to raising capital.''

Yet Mr. McCain has at times in the presidential campaign exhibited a less ideological streak. As he did on Monday, he from time to time speaks in populist tones about big corporations and financial institutions and presents himself as a Theodore Roosevelt-style reformer. He supported the Bush administration's decision to seize Fannie Mae and Freddie Mac, the mortgage giants, and he has backed as unavoidable the promise of taxpayer money to help contain the financial crisis.

Other than Mr. Gramm, who as chairman of the Senate Banking Committee before his leaving Congress in 2002 worked to block efforts to tighten financial regulation, Mr. McCain's closest adviser on matters of Wall Street is John Thain, the chief executive of Merrill Lynch, who has raised about $500,000 for Mr. McCain. Unlike Mr. Gramm, Mr. Thain has a reputation as a pragmatic, nonideological, moderate Republican. That the men are Mr. McCain's touchstones is typical of his small and eclectic mix of advisers, making it hard to generalize about how Mr. McCain would act as president.

A prominent McCain supporter, Gov. Tim Pawlenty of Minnesota, signaled how Mr. McCain would try to make his antiregulation record fit the proregulation times that the next president will inherit. Mr. Pawlenty suggested in an interview on Fox News that, given the danger that ''any future administration'' would go too far, Mr. McCain would be the safer bet to protect against ''excessive government intervention or excessive government regulation;''

Mr. Obama also does not have much of a record on financial regulation. As a first-term senator, he has not been around for the major debates of recent years, and his eight years in the Illinois Senate afforded little opportunity to weigh in on the issues.

In March 2007, however, he warned of the coming housing crisis, and a year later in a speech in Manhattan he outlined six principles for overhauling financial regulation.

On Monday, he said the nation was facing ''the most serious financial crisis since the Great Depression,'' and attributed it on the hands-off policies of the Republican White House that, he says, Mr. McCain would continue. Seeking to showcase Mr. Obama's concerns, his campaign said Mr. Obama led a conference call on the crisis early Monday that included Paul A. Volcker, the former chairman of the Federal Reserve; Mr. Rubin; and his successor as treasury secretary, Lawrence H. Summers.

Later, citing Mr. McCain's remarks about the economy's strong fundamentals, he told a Colorado crowd that Mr. McCain ''doesn't get what's happening between the mountain in Sedona where he lives and the corridors of power where he works.''

One reason for both men's sketchy records on financial issues is that neither has been a member of the Senate Banking Committee, which has oversight of the industry and its regulators. Under both parties' leadership, the committee often has been a graveyard for proposals opposed by lobbyists for financial institutions, including Fannie Mae and Freddie Mac, which last week were forced into government conservatorships.

Industry lobbyists' success in killing such regulations meant senators outside the banking panel did not have to take a stand on them.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the hour of 2:30, I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I also ask unanimous consent that the Republican leader's time begin 5 minutes after I begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise to address the Senate not only as a Senator from the largest State in the Union, a State that is experiencing many problems that started with the housing crisis about which we talked a long time ago, before the Fed stepped in and did something, but I also rise as an economics major. I received my degree in economics. My minor was political science. I was a stockbroker a long time ago on Wall Street. I know a little bit about Wall Street, and I know a little bit about the times we are in right now. I worked on Wall Street when John Kennedy was assassinated. It was a horrible time. Confidence was shattered. The stock market actually closed down for a period. Now we are facing a meltdown. The fact is, we are all going to work and hope that it doesn't melt all the way down.

On the day that we learn about Merrill Lynch, which was the gold standard of brokerage houses, and AIG, what I understand is the largest insurance company in America, when we hear about that and about Lehman Brothers, which we also hope can survive in some form via purchase—and certainly we know thousands of people have lost everything—to hear a U.S. Senator—namely, Senator MCCAIN—say the fundamentals of this economy are strong sends cold shivers up and down my spine. To think that anyone would say that, one would have to go back to the days of Herbert Hoover, President of the United States, the day after the market crashed in 1929 and we entered the Great Depression. He said:

> The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

We have Senator MCCAIN memorializing this attitude and these words.

I wish to spend the rest of my time going through the fundamentals of this economy. I will come back and speak later when I have a little more time to expand.

In 1999, the average American family spent $3,261 on cost-of-living expenses; in 2007, $7,585. The average household earned less in 2006 than they did in 2000. Incomes are going down. Expenses are going up—groceries, heating, gas, health care. The fundamentals of our economy are strong? As Senator OBAMA said: What economy? Not this economy. The average household earned less in 2006 than they did in 2000. Job growth during this administration has been the slowest since Herbert Hoover in 1929, the Great Depression. Our economy has lost jobs for 8 straight months; 84,000 jobs were lost last month. The fundamentals of this economy are strong? What?

One in five Americans is unemployed for more than 26 weeks, an increase of

8.2 percent over 2001. Americans living in poverty increased by 5.7 million since 2000, and 37 million Americans live in poverty. The fundamentals of this economy are strong? Spare me.

Existing home sales fell by 22 percent in 2007. President Bush inherited a surplus. We now have an enormous deficit. The debt has increased over $4 trillion since 2001. We are spending $10 billion a month in Iraq. The money is leaving the country. We are not making the investment. The fundamentals of this economy are strong?

Every American, I don't care what party—Republican, Democratic, Independent—should be up in arms about a leader looking at these figures. I have only given a little of the story. Let's get real. The fundamentals of this economy are weak. The people are anxious, and they should be. It is time for change.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from California has expired. Who seeks recognition?

Under the previous order, the time until 3:06 is equally divided, with the Republican leader controlling the first 15 minutes and the majority leader controlling the last 15 minutes.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, unfortunately, we are in a situation with this bill where we have not been able to reach an agreement on how to proceed. I say this notwithstanding the Herculean efforts by the chairman and the ranking member of the committee. Senator WARNER informed me a moment ago about the negotiations that have been ongoing, literally over the weekend, and yet it appears that notwithstanding their best efforts it has been impossible to find a way to move forward on this bill that encompasses amendments or embodies those amendments in a managers' amendment to the bill such that the Members, at least on our side, would feel comfortable proceeding to close off debate on the bill and bring debate to a close so we could move on with the bill. Unfortunately, I believe we have had two votes so far on this bill. I think one of those was on an amendment I offered, or it was accepted.

In any event, I think they have accepted two amendments, we have had two votes, and I am informed that over the past three Department of Defense authorization bills, we had a rollcall vote average of 21 votes per bill. That is about right for a Defense authorization bill. This is one of the most important bills we have each year. There is a lot of Member interest. The committee has always allowed a robust debate and amendments by Members and, an average, as I said, of 21. We have had two so far. Clearly we are not ready to stop this bill. There is more work to be done. Frequently, amendments are embodied in a managers' amendment, on average, of 192 amendments that were agreed to during the consideration of the last three DOD authorization bills. As I said, this year the majority has accepted but two.

Now, on our side we had hoped we would have a unanimous consent agreement that could be entered into at this point to obviate the necessity of the vote on cloture. It appears now that that will not be the case. So unfortunately we are in a situation where we are clearly not ready to call an end to this bill. There is still a lot more work to be done. The two managers have tried very hard to reach an agreement. That has not been possible to do. Therefore, at least for me—and I don't pretend to speak for everyone on the Republican side—but at least for me, I can't in good conscience vote to close off debate, bring this bill to a close when there are so many outstanding issues that I know Republicans wish to bring to closure. There is one in particular I will mention before I close.

There is this matter of earmarks. What we had resolved to do in the Senate was to say that only legislative language would be sufficient for a so-called earmark to have the force of law. You couldn't put earmarks in report language and then expect the executive branch to adhere to those earmarks when it spent the money appropriated by Congress. Well, once again, we have the specific items of spending that some call earmarks not put in legislative language except by reference. I know both Senator WARNER and Senator DEMINT and some others had proposed amendments to deal with that. I would have liked to have voted on a Senator WARNER amendment to deal with that subject but, apparently, without a unanimous consent agreement, that is not going to be possible. So there are a variety of things that remain to be done. If we vote for cloture on the bill, they are not going to get done.

Therefore, reluctantly, as I said, it will be my position to vote against cloture on this bill.

Mr. REID. Mr. President, has all time of Senator MCCONNELL expired?

The PRESIDING OFFICER. There is 1½ minutes remaining on the Republican side.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this will be one of the most difficult votes that I will have had to cast in my almost 30 years in the Senate. I must say to my dear friend, the chairman of the committee, we have worked together these years and we just made our last efforts in the cloakroom to try and bridge the gap—I respect both sides—bridge the gap. We failed, and now we are confronted with cloture. I then searched my conscience: What do I do? Because I am definitely more than sympathetic, completely in support that the minority has to have certain rights and a certain ability. That is the way this institution is constructed.

I shall vote for cloture for the following reason: I ran a quick mental calculation. It was 63 years ago, in January of 1945, that I joined the U.S. Navy. If I had to point to the one single thing in my some 40 years plus of public service that has meant the most to me personally, it is working with and learning from the men and women of the Armed Forces of the United States. My military career on active duty is of no great consequence, but my learning experience was enormous, and I have tried through these 30 years in the Senate to pay back to this generation and future generations of men and women all the wonderful things, including two GI bills, that were done for me.

So I could not have this, being almost the last vote that I will cast in these 30 years, in any other way than be consistent with my conscience, as I have tried to do the best, and will continue to do the best, on behalf of the men and women of the Armed Forces and their families.

I thank my colleagues.

The PRESIDING OFFICER. The time of the Senator has expired.

The Democratic leader is recognized.

Mr. REID. Mr. President, I had the opportunity in August to travel to Afghanistan. I always try to find the Nevada troops and I was able to do that because there are a lot of them over there. But I talked to troops—not Nevada troops but American service men and women. I have had the good fortune of being able to go to Iraq and talk to our military in Iraq. To try to explain to them that we are not doing a Defense authorization bill because minority rights aren't protected, I mean what is—what are we doing? This will be the 94th time we voted on cloture this Congress—the 94th time—far breaking any records ever in the history of our great country; more than double.

My friend, the distinguished Senator from Arizona, says they are not ready to end this debate. We have a professional staff. The Republican staff of the Armed Services Committee is as professional as you can get, and that on the Democratic side is as professional as you can get, led by two of America's all-time great Senators: LEVIN and WARNER. I say that without any degree of trying to make them feel good. It is the truth. They are two of the great Senators in the history of our country. They have worked as hard as they could to put together a Defense authorization bill. Now, let's assume we don't do anything to that bill and cloture is invoked and we pass that bill. Wouldn't that be a great time to celebrate here? Because you know what would happen? We would have a conference with the House and work out whatever differences in their bill and our bill.

This is about earmarks? Oh, come on. We have had congressionally mandated spending since we have been a country. Why? Because our Founding Fathers set the country up that way. We have three separate branches of government. We don't have a king. We have a President. He doesn't make all the decisions. Benjamin Franklin and all of those men who met in Philadelphia wanted us to have three separate branches of government and they determined what our duties would be in the Constitution. One of them is to determine the spending. That is our role. That is our obligation. Now, are these two men trying to hide something from the American people, trying to sneak something in to help a military base someplace in America? No. Everything is transparent. This earmark is only one of the issues of the day to give somebody something to talk about, to talk about how bad government is.

During the past 8 years, our Armed Forces—the best trained, the most courageous armed forces the world has ever known—have been stretched to the limit. I don't say this; our military commanders say it. Both civilian and military leaders of our country say we have to help our military. History will remember that during these years, despite tremendous strain, our military accomplished everything asked of them with heroism and success. We have all been to the funerals. I never understood until I went to Afghanistan what Shane Patton went through as a SEAL in Afghanistan. I went to that funeral and I thought why is a SEAL in Afghanistan. There is no water there. He is there doing the things they are trained to do—going after terrorists—and he was killed in the process. It won't be easy to rebuild our Armed Forces. It must be a priority of our next President to give them proper rest, proper training and equipment when they are deployed, and proper physical and mental health care when they return from combat.

Part of my security detail as the majority leader—because people don't like what I do and say, I have had people threaten me. I have had as a part of my security detail a guy by the name of James Proctor. Since I was assistant leader and leader, he has been with me all that time, but it has been interrupted by three tours of duty to Iraq. He is an Army officer. Three tours of duty. He leaves his little family and heads off to Iraq. For James Proctor—to tell him we are not doing a Defense authorization bill because of earmarks or because we didn't have enough time to debate it, it is laughable, and he would laugh. They would all laugh. It is unfair.

So next January 20, I guess, we will see what we can do to move forward, because we have to rebuild our Armed Forces. In the meantime, Congress can begin, I hope, to do something in the interim. We can begin now by passing the Defense authorization bill, a sensible, bipartisan bill that will honor our troops and enhance our national security.

Just a few things: For men and women in uniform, this bill will give almost a 4-percent increase—exactly 3.9 percent increase—a pay raise—to our troops and other military personnel. Do they deserve it? Of course they do. If this bill doesn't pass, do they get it? Of course they don't. This will mean more money in the pockets of military families struggling to make it from one paycheck to the next. It will help returning heroes afford a place to live or go back to school. We invest in Defense health programs for men and women which, among other things, prevent the need to raise TRICARE fees. This bill will fight terrorism and protect our national security, and to tell James Proctor and people who have served gallantly in this military that we are not moving forward on this because minority rights aren't protected?

This bill funds international nonproliferation efforts to combat weapons of mass destruction as well as programs that will help us prepare the homeland for chemical or biological attacks. This bill will increase funding for special operations command to train and equip forces and support ongoing military operations. If we hear one thing when we go to Afghanistan, they will tell you how important special operations officers and troops are. This bill provides funds supporting the development and use of unmanned aerial vehicles.

Creech Air Force Base—named after General Creech who ended his career and his life in Nevada—was named after him, a great military officer. Indian Springs Air Base, it used to be called. It is midway between Las Vegas and the Nevada test site. This facility was going to be closed, until they determined these drones were some of the most important things in the military, and this legislation takes into consideration how important unmanned aerial vehicles are. This legislation helps reinforce special intelligence capabilities within the Army and the Marine Corps. This is a very good piece of legislation, an important step toward rebuilding our Armed Forces and protecting the American people.

I wish I had words adequate to express my personal appreciation—and I can speak for everyone on this side of the aisle—for the work done by Chairman LEVIN and JOHN WARNER. There are no two more honorable people in the world; whether they are rabbis, priests, ministers, there is no one who has more credibility and honesty than these two men. I have had conversations with these two fine Senators, where they said: This is what I am going to do. Do I need to check back with them and ask: Do you really mean what you said? No. Their word is their bond. Once they have said it, that is it.

I feel very bad. Senator LEVIN is going to have another opportunity to do one of these bills, but this man, Senator WARNER, won't unless we invoke cloture. We need to do that so that he can participate in coming up with the final bill that will lead to a conference with the House of Representatives. For 30 years—as I have said on the floor before, I don't know his predecessors—I served with a number of them—but the State of Virginia could not have had a better Senator than JOHN WARNER. They could have had one as good but nobody better. These two men have done their very best. I accept the product they have given us, the product we have right here, now, today. I accept it. Let's pass it. Let's invoke cloture on it, and if there are germane postcloture amendments, we will take care of those. That is what these men do.

Now, I want to say one other thing. Let's not forget that the ranking Republican on the Armed Services Committee is Senator JOHN MCCAIN. I understand the Presidential campaign takes candidates away from what goes on here. Both parties realize that. But it certainly would have helped move this legislation forward if the ranking member of this committee, the Republican nominee for President, had shown leadership and a commitment to this cause by talking to his fellow Republicans and saying: Come on, we need to get this passed. Not a word publicly or privately, that I know of.

We have a chance to do the right thing by coming together to invoke cloture and move toward passing this legislation. I hope all Senators, Democrats and Republicans, will join to move forward so we can honor and promptly care for our military families, while enhancing our country's ability to meet the security challenges we face.

Let me say that, while I talked about JOHN WARNER, I want to close by talking about CARL LEVIN. I, too, don't know all of his predecessors. I do know a little history. There could have been a Senator as good as CARL LEVIN from Michigan but no one any better.

We deserve this legislation. The country deserves this legislation. These two managers deserve this legislation. Let's invoke cloture. It will give us an opportunity to complete this legislation. I hope we can do that.

I ask unanimous consent that Senator LEVIN be given 2 minutes to close the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the leader and I thank Senator WARNER for his statement in support of cloture. It is a difficult and courageous vote. I commend them on it.

The issue here is not earmarks; the issue is a perception that is being perpetrated that it is about earmarks. This green book is our committee report. It lists all of the items to be added to it and subtracted. This white book is our bill. It incorporates the charts and lines from the committee

report and is incorporated into this bill as law. The lines here—add-ons, subtractions, all of the requests of the President that weren't touched, by the thousands—are incorporated by reference in our bill.

The amendment of Senator DEMINT, who wants to eliminate the incorporation by reference, has exactly the opposite effect. All the line items that were added or subtracted would not be part of the bill if the DeMint amendment were agreed to. They would remain in the committee report without incorporation by reference in the bill. It goes exactly the opposite direction of making ''earmarks'' part of law.

The Warner amendment, on the other hand, would incorporate not just by reference but all of the language in the thousands of lines in the bill. The problem is that it would take so much time, according to the Government Printing Office, to do that, we probably could not get to conference and back to the Senate unless we had a lameduck session. We don't know that we will.

We cannot jeopardize this bill, which means so much to the men and women in the Armed Forces, by a requirement that achieves no purpose because the lines are already incorporated by reference, that achieves only the perception of a purpose, which apparently meets some political needs of people who are out campaigning. That is not enough to jeopardize the Defense bill.

This bill means everything to the men and women in the armed services. It should mean everything to us because they mean everything to us. We cannot jeopardize this bill by any action which may make it impossible for us to bring back a bill from conference.

I wish to end by again complimenting Senator WARNER. He has been absolutely wonderful in trying to work out a unanimous consent agreement. I treasure our 30 years together. I wish we could end this with a cloture vote that would allow us to finish positively the great effort he has put in. I hope we can get 60 votes for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Patrick J. Leahy, Bernard Sanders, Robert P. Casey, Jr., Claire McCaskill, Sheldon Whitehouse, Benjamin L. Cardin, Robert Menendez, Bill Nelson, Charles E. Schumer, Richard Durbin, Thomas R. Carper, Patty Murray, Amy Klobuchar, Jon Tester, Jeff Bingaman, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 3001, the National Defense Authorization Act for Fiscal Year 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 32, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—61

Akaka	Hagel	Reed
Baucus	Harkin	Reid
Bayh	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Boxer	Klobuchar	Salazar
Brown	Kohl	Sanders
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Cochran	Lugar	Sununu
Coleman	McCaskill	Tester
Collins	Menendez	Warner
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Dole	Murray	Wicker
Dorgan	Nelson (FL)	Wyden
Durbin	Nelson (NE)	
Feinstein	Pryor	

NAYS—32

Alexander	Craig	Hutchison
Allard	Crapo	Inhofe
Barrasso	DeMint	Isakson
Bennett	Domenici	Kyl
Bond	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Feingold	Shelby
Burr	Graham	Thune
Chambliss	Grassley	Vitter
Coburn	Gregg	Voinovich
Corker	Hatch	

NOT VOTING—7

Biden	Kerry	Obama
Cornyn	Martinez	
Kennedy	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote by which the motion was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I want to express my appreciation to everyone. I tell all Senators that Senator WARNER and Senator LEVIN are going to do everything they can to process this bill. We are going to complete this bill by tomorrow night, and we will get the bill to conference.

We can get a bill. Everyone who has something they want to do, talk to these two managers and they will do the best they can. This is an important bill, and the Senate realized that. I think this is really a good day for the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business with the time to run postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. MENENDEZ. Mr. President, there is no doubt Wall Street and Main Street are in a crisis. The floodgates from the subprime storm have ripped open and the effects are clearly devastating—unemployment is up and markets are down.

While I may not be able to predict what is coming next, I would like to talk a little bit about how we got here. Americans may not have been tracking the exact moves and, I believe, the negligence on the part of the Bush administration that has led us to this point, but we certainly understand the consequences.

For New Jersey, my home State, financial losses on Wall Street mean job losses at home. I am worried about the 1,700 employees of Lehman Brothers in Jersey City. I am worried about the 6,000 employees at Merrill Lynch in Hopewell. I am also worried about those families and others who are going to have to face foreclosure or watch their home values plummet. And I am worried about millions of retirees and people approaching retirement who are going to realize that their life savings are under attack and diminishing as quicksand below their feet.

Everyone is demanding to know what got us here. Well, what got us here to a large degree is that for the last 8 years we have had an administration that has turned a blind eye to financial markets and deregulated at every turn, playing Russian roulette with our economy. Their regulatory changes gave lenders the chance to invent new ways to make bad loans and to pass off the risks on investors.

The Federal Reserve had a power given to it long ago by a Democratic Congress to fight predatory lending. For more than 7 years of the Bush administration it failed to use it. If they

had acted, many predatory lenders wouldn't have been allowed to pedal bad loans, which investment banks bought and then went bust and spurred this crisis.

There are so many parts to this pattern of deception and neglect. In 1994, a Democratic Congress passed the Homeowner's Equity Protection Act. It was the first statute to fight predatory lending. That was in 1994. That law mandates that the Federal Reserve must issue regulations to prohibit abusive and deceptive practices. But how long did it take the Federal Reserve to do so? It took the Federal Reserve 14 years—from 1994—to implement these regulations.

Senator Sarbanes, the former chairman and sometimes ranking member of the Banking Committee, and Senators SCHUMER and DODD have repeatedly introduced legislation to protect against predatory lending. Not once has any Republican been a cosponsor in the Senate. Yet we have been hearing a lot about Senator MCCAIN suggesting that all of a sudden he has seen the light. But he wasn't here all those years.

Even after reaching a bipartisan agreement on the Foreclosure Prevention Act and its successor, the Housing and Economic Recovery Act of 2008 in June, Republican Senators delayed the final passage of the legislation for weeks—for weeks. Between the two bills, Republicans had six filibusters to prevent the passage of this legislation.

Notwithstanding what was happening throughout the country, as a member of the Senate Banking Committee in March of 2007—well over a year and a half ago—I raised the prospect of a tsunami—my word—of foreclosures. But the administration said: Oh, no, that is an overexaggeration. Unfortunately, I wish they had been right and I had been wrong. But the fact is, we haven't even seen the crest of that tsunami take place.

A few months later, as foreclosures mounted, they assured us that the problems we were concerned about might bring broader consequences to the economy. But oh, no, all those who came before our committee, all the financial leaders of this administration—the Secretary of the Treasury, the head of the Federal Reserve, and the regulatory side of the Securities and Exchange Commission—oh, no, those problems would be contained to only the housing market, even though they couldn't even see the foreclosure crisis being the tsunami it has become.

In July I asked them about the prospect of a bailout of Fannie Mae and Freddie Mac, but they couldn't foresee that either or they were misleading the committee. I see the distinguished chairman of the Banking Committee is here, and he will recall they were asked head on. They asked for incredible authorities. Yet they could not foresee the possibility, even as the mortgage crisis continued to rear its ugly head in dimensions that some of us predicted a year and a half ago. Those who are in charge of the regulatory process, appointed by the Bush administration, ultimately could not see.

So even in the face of all that, we had the White House issue numerous veto threats against the bill that was critical to try to get to the very root cause of what is happening in America today—the housing foreclosure crisis—which has created this ripple effect in all our financial institutions. Yet they were issuing veto threats—veto threats. How could you be so blind or how could you be so much in the interests of one sector that you are unwilling to mitigate the risks on behalf of the American people?

This is not new. Look at 2005. In 2005, the House of Representatives—I was a Member there at the time—passed a bipartisan GSE reform bill by a vote of 331 to 90. GSEs are those Government entities; that is, Fannie Mae and Freddie Mac. We wanted to have a strong reform bill. It was offered by Republicans. Mike Oxley, the chairman at that time, a Republican, working with BARNEY FRANK, offered the bill. It passed overwhelmingly. In the House of Representatives—I served there for 13 years—I can tell you, when you get a vote of 331 to 90, that is about as bipartisan as you can get.

That bill was offered here by Senate Democrats exactly as it passed the House. But it was blocked by the White House. Even Mike Oxley, the former Republican chairman of the House committee, said recently:

> We missed a golden opportunity that would have avoided a lot of the problems we are facing now if we had not had such a firm ideological position at the White House and the Treasury and the Fed. What did we get from the White House? We got a one-finger salute.

His words, the chairman of the House Financial Services Committee, which passed the bill in a big bipartisan vote. We couldn't get it through here in the Senate.

I find it incredibly difficult to see that one of our colleagues who is running for President, Senator MCCAIN, now talks about all of these issues. He has a new ad out suggesting he is a reformer. But he was part of the same Bush views. He basically was in support of most lifting of regulations.

So as the tsunami approached—the one that we were told, when I raised it a year and a half ago, they couldn't see—the administration was consistently on the back side of that tsunami, watching it sweep toward us, watching while the American people got washed under.

We have had 8 years of our regulatory entities. Who are they? The Securities and Exchange Commission, the Federal Reserve, the OCC—the Office of the Comptroller of the Currency under the Treasury Department. Instead of being the cops on the beat to ensure we have a marketplace that is balanced—yes, we believe in a free marketplace and, yes, we believe in free enterprise, but an unregulated marketplace, as we found, is one that has excesses. The reason there are regulators is to make sure there is balance at the end of day. But when those who are supposed to be the cops on the beat—the regulators—hit the snooze button instead of going into action so we can prevent or mitigate what we are now facing, we see the consequences.

Some of my colleagues on the other side of the aisle call this scheme ''the ownership society,'' which means today: You are on your own. A strong belief in this scheme has led Senator MCCAIN, in the face of this crisis, to repeat the same old claim yesterday that the fundamentals of the economy are strong. Housing foreclosures are defying gravity, and he continues to make statements that defy reality. Great financial institutions collapse, and Senator MCCAIN has generally supported deregulation as the answer. That is like trying to say you want to take cops off the street to deal with a riot.

I have a real concern as we now move forward. We are where we are as a result of economic and regulatory policies of the Bush administration that JOHN MCCAIN thinks are the sound underpinnings of a good economy and how we continue to move forward. It is unacceptable. That is not change. That will not change the course of where we are headed in this economy. That will not change the course of the consequences to millions of Americans.

This is not just about wealthy investors. Look at the consequences. Look at what is happening. When Lehman Brothers has to close, not only are those 1,600 jobs in New Jersey at risk, but it affects all of those who had mortgages, all of those who used a service, all of those who bought a product, all of those who went out to eat in restaurants, all of those who, in fact, employed someone else to give them a service while they were working. The ripple effect is very significant.

When people get their statements for their retirement accounts, whether it be a 401(k) or a thrift savings or whatever, we are going to see what that means to people in real life. Some are going to look and say: I am going to have to keep working because I cannot continue this way.

I want to echo what one of my distinguished colleagues, the Senator from Illinois, said a few weeks ago in Colorado:

> Enough. Enough of more of the same. Enough denial about our challenges. It is time to develop solutions.

We look forward to having the Secretary of the Treasury before the Banking Committee this Thursday. There are very tough questions to be answered, not only about what has happened but what we are doing as we move forward.

It is enough of more of the same. Enough denial about our challenges. It is time to develop solutions. I believe we have to act fast to provide an economic stimulus package targeted to provide relief to those most in need, in

ways that stimulate our economy and infrastructure.

Let's be clear, we have to recognize the potential for what we call moral hazard. We can't have everyone on Wall Street think they can go to any excess whatsoever and the Government will bail them out. But at any given time in this process we have to look at what entity creates the risk. We are in one of the most precarious moments in our financial history. What entity creates perhaps a systematic risk, something that creates such a widespread risk that we have to look at that as an individual case and determine whether there is a different governmental action to be recognized.

In general, as we move forward, I certainly hope the legislation Senator DODD and Senator SHELBY worked on together, that went through six filibusters and a bunch of veto threats by the President and finally got through into law, is now actively pursued starting on October 1, which is when it goes into effect. We cannot have any of the Bush administration agencies and regulatory entities involved not be ready to go on October 1 to start providing relief on those hundreds of thousands of foreclosures—not only for those families but at the same time to try to make those performing loans so we can prop up all of these functioning institutions at the same time so all of us as Americans get some relief from an economy that is definitely headed in the wrong direction.

In general, as we move forward we have to establish which failures are isolated and which present a systemic risk to the entire financial system.

Second, it is fundamental to the health of our economy that we help homeowners stay in their homes. The housing market is not just a center of the crisis, it is also a pillar of our society. Taking steps to shore it up makes sense on so many levels. Especially as this school year gets underway, we can't sit back and watch children get thrown out not only from their homes but pulled from their schools.

Third, we absolutely must hold administration officials and regulators accountable. I myself promise to do my part when they come before the Banking Committee this week and next. They better be prepared for some tough questions and some straight answers. I am tired of hearing that you could not foretell what some of us were telling you and others about the tsunami of foreclosures. We could have stemmed the tide. We could have acted in a regulatory process to make sure that was minimized.

When you are asked what is the possibility of a bailout of Fannie Mae and Freddie Mac, I am tired of being told you can't foresee that happening, and just a month and a half later you have a very significant bailout—and you can't tell us how much the taxpayers will be on the hook for it.

I am tired of being told by some of our colleagues, such as Senator MCCAIN, that this economy has all the right underpinnings and all the right regulatory processes. That is a fantasy world. It is a world that ultimately Americans cannot afford. They cannot afford that type of thinking in terms of where we go over the next 4 years.

I look forward to those opportunities, moving forward this week and the next, to try to turn the course of where we are for all Americans and for our Nation as a whole.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief.

I commend our colleague from New Jersey, a wonderful member of the Senate Banking Committee who has been invaluable over the last 18 months as we confronted a morass of problems that, as he very properly and accurately points out, began building up years ago.

This did not all of a sudden happen 18 months ago. As I said so many times, this was not a natural disaster. This was avoidable. That is the great tragedy of all of this. Had we had regulators on the beat—as he describes it, cops on the beat—had the legislation that passed overwhelmingly in this Congress actually been enforced with regulations promulgated dealing with deceptive and fraudulent practices in the residential mortgage market as many as 4 years ago—without a single regulation, under the leadership of this administration, being promulgated—we could have avoided the ''no doc'' loans, the liar loans, the subprime predatory lending, luring innocent people into dreadful situations that these brokers and lenders knew they could never afford to pay and then packaging them and branding them triple-A mortgages and selling them off as quickly as they wrote them to get paid off themselves and then pass on the responsibility to someone else. All of that history is replete as to how this situation unfolded. Now, of course, they want to avoid the blame for the consequences—this crowd does—for what happened.

The Senator from New Jersey laid it out very well. The public needs to know that. They also need to know what we should be doing together to get it right. We have a lot of work in front of us to get it right, but in order to get it right, we also have to acknowledge what went wrong, and there is a long history of what went wrong here.

I welcome the remarks of my colleague and thank him for his leadership and look forward to working with him.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, now that cloture has been invoked on our bill, we are going to be working very hard with Senators who have germane amendments that have not been cleared to see if we can make progress on such amendments. We not only request that Senators who have such amendments come promptly to the floor to meet with us or our staffs, but we also have to recognize that any such amendment, if it is not in a cleared package, would require consent, given the parliamentary situation. We have a cleared package already, which I think is upwards, perhaps, of 90 amendments or so, which we would hope to add to before we offer it to the Senate by unanimous consent.

After Senator WARNER has an opportunity to speak, I think we will put in a quorum call and do some other work we need to do in order to get to the next stage in this bill. Hopefully, we can now move promptly on this bill now that cloture is invoked. I thank the Senator from Virginia for all he did to make that possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as the distinguished chairman said, we have some 90 amendments now cleared. Now that the issue of going forward is also at this time clear, there should be an impetus to move forward such that the package of 90-some can grow, hopefully by 30 or 40, before close of business tonight and possibly we can consider moving that as quickly as we can. We are ready to assist all Senators with regard to their amendments filed and, indeed, otherwise. We are here to try to ascertain our ability to put them in a package that is cleared; if not, despite the parliamentary situation, to help them secure a vote.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we will, of course, do our very best, working with Senators, to add to this package. There are some possibilities there. Again, I wish to alert Senators to the fact that we are in a postcloture situation, which means they must be germane unless there is unanimous consent to the contrary. Also, the parliamentary situation is such that it would require consent. But as the Senator from Virginia wisely points out, we are going to do our very best to not be limited to technicalities if we can get consent of the body to obviate those technicalities.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE ECONOMY

Ms. STABENOW. Madam President, I come to the floor, as many of my colleagues have on this side of the aisle, to express my outrage and my amazement at the continued comments of one of our colleagues, who is not here but is running for President, Senator JOHN MCCAIN, when even as Wall Street now is crumbling—we have seen the actions of the last couple days—he continues to say the fundamentals of the economy are strong. No matter what caveats he puts on it, he says the fundamentals of the economy are strong. That shows how out of touch he is, as is the President whom he works with, George Bush, and those who support this view that the fundamentals of the economy are strong.

I remember a while back coming to the floor after comments were made, as well, about at that time the chief economic adviser for Senator MCCAIN. Even though this person has now stepped down—also a former colleague—from that position, we know he is still very close to Senator MCCAIN and is involved in his efforts and so on. That is Senator Phil Gramm, whom I served with on the Banking Committee. He was the chairman of the committee when I was first taking my place in the Senate. To hear Senator Phil Gramm, who worked so closely with Senator MCCAIN—we assume, based on their long relationship and the positive things Senator MCCAIN has said, that he would play a major role in a new administration under JOHN MCCAIN, and he has said as well, in addition to Senator MCCAIN repeating that the fundamentals of the economy are strong, we also remember former Senator Phil Gramm's comment that this is just a psychological recession; it is all in our minds. He said it is psychological and Americans have become a nation of whiners—a nation of whiners.

I am wondering if people made it up or if they were hallucinating when they lost their jobs this year; 605,000 Americans have lost good-paying jobs this year, since this past January. Were they hallucinating? Was this a figment of their imagination? Is it a figment of their imagination that they cannot make their mortgage payment or put food on the table or pay their electric bill or go to the gas pump and be able to refuel with outrageously high gas prices? Of course not. Of course not.

We have seen the economy unfolding in a way so that only those who are very wealthy, who have the ability to take their capital anywhere in the world, can succeed under this philosophy that has been in place, this Republican philosophy of no accountability, no transparency, no one watching in the public interest as people have made decisions that have undermined pensions of working people. Heaven forbid, can you imagine if Lehman Brothers had been managing Social Security payments for millions of senior citizens, which is, by the way, something else Senator MCCAIN wishes to see happen, privatizing Social Security.

What we have seen is an undermining of the fundamentals of what has been the strength of our economy—good jobs, not just supply, but supply and demand, putting money in people's pockets so they can afford to take care of their families and keep the economy going.

In addition to 605,000 people who have lost their jobs since the beginning of this year, we had 3.5 million manufacturing jobs lost, and counting, since 2001, since President Bush came into office. Madam President, 3.5 million people were not hallucinating. It was not a figment of their imagination that they lost their job and that their families have been put into a tailspin as they are now trying to figure out where they go from here to try to keep some semblance of the American dream.

The fundamentals of the economy are strong, says Senator JOHN MCCAIN. We are, in fact, looking at an example of what it means to live under a philosophy of President Bush, JOHN MCCAIN, and the Republicans, and what actually happens if their philosophy comes into being, in terms of actions.

For the first time, in the time I can remember, we saw from 2001 until 18 months ago a time when the House, the Senate, and the Presidency were all in the hands of the same party. We had a chance to see what they believe in, what are their values, what are their philosophies.

What we have seen is a philosophy that has raised greed to a national virtue, that has viewed public regulation and accountability in the public interest, to protect public resources or public funds, as something to be scoffed at and to be unwound, to deregulate, to make sure that the areas of Government that have responsibility, that are accountable for our financial systems, our monetary systems, our energy resources and other areas, in fact, are not held accountable.

We have seen an administration and a Republican philosophy that doesn't work for the majority of Americans. It works for a few. If you are one of the folks who is out there trying to make sure you can make as much money as possible for yourself and your friends, you may have done pretty well. But there has been no willingness to understand the consequences for the majority of Americans or to accept any responsibility to make sure that the majority of Americans can benefit from the resources and opportunities and wealth of this great country.

This culture of greed and corruption, supported by Senator MCCAIN and President Bush and others for 6 years running, has led to Enron. I remember having people sitting in my office who had everything in their company's pension. They worked for Enron. They lost it all. They lost it all because of the schemes and the lack of accountability and oversight. They lost everything in their pension plans and they sat in my office and said: Thank goodness for Social Security because that is all I have left.

The same folks who gave us the Enron debacle want to privatize Social Security, including JOHN MCCAIN. No-bid contracts, such as Halliburton in Iraq; continual tax cuts only for the wealthiest Americans; weak oversight of public industries, regulated industries, regulated in the public interest; a disregard for the Constitution; and now the latest economic crisis we see.

Fundamentally, the question is: Who are we as a country and do we want to continue these failed philosophies? That is not by accident. I suggest this is the result of a world view, a set of values and philosophies that does not put the majority of Americans and our country first, but basically puts in place the idea that greed is good and you should make it while you can, and we are going to make sure we strip away any public protections so your ability is unfettered to do what you want to do for yourself as opposed to what needs to be done on behalf of the American people.

If we don't have a change in this country, we are going to see the same failed blueprint with more of the same failed results, disastrous results. That is why I believe so strongly we need a change in direction and a change of values to put the American people first.

Again, our colleague, Senator MCCAIN, who has said that the fundamentals of the economy are strong, has worked to deregulate markets, has called himself a deregulator. Unfortunately, it is those policies that have gotten us to where we are today.

This is the most serious financial crisis since the Great Depression. And what is the plan at this point? To study the problem. Senator MCCAIN has said today we should study the problem.

We don't need another commission. What we need are people who will make sure that the accountability, the oversight, the power that is here to stop price gouging, to bring oversight to what is going on is actually used. It hasn't been used under this administration. For 6 of the last 7½ years there was every effort, in fact, to pull back on who was put on boards and commissions, the regulators, the overseers. They essentially were made up of people who didn't believe in the mission, who didn't believe they were there for the public interest.

Right now we have a situation where there are 84,000 Americans who lost their jobs last month, 90,000 Americans who lost their homes last month. They don't want another study. They don't want another commission. They want leaders who get it. They want leaders who understand their role in this Government of ours, this public trust we have, not on behalf of just ourselves and our friends but on behalf of everybody in this country, to make sure the rules are fair, that they are followed,

and that everybody has a chance to make it. That is what it is supposed to be about.

I am also reminded that Senator MCCAIN has chaired the Commerce Committee and oversaw a massive deregulation scheme that gutted our oversight of these markets. Where is the accountability? Instead of protecting consumers and preventing abuse, the special interests ruled. And CHAIRMAN MCCAIN oversaw that effort.

The same economic philosophy of the Bush administration joined by Senator MCCAIN for the last 8 years has been to give more and more to those who have the most, ignore the ability of others to make sure they can have what they have earned—their job, their pension, that Social Security is strong, they can afford to put food on the table and pay for the gas and be able to have what we all expect as Americans that will be available to us if we work hard and follow the rules.

We have had the same philosophy in place, the same philosophy that has brought us 8 straight months of job loss, the same economic philosophy that has left incomes stagnant while families find themselves spending twice as much on the basics of their life.

Real household income is down. Imagine, we were lower in 2007 than in the year 2000. Incomes were lower in 2007 than they were in 2000. We are in a generation of having real concerns, and rightly so, that our children's lives and economic circumstances will not be as good as our own.

The same philosophy has led to gasoline inching upwards to $5 a gallon, and the same economic philosophy that leaves 47 million people without health insurance, leaving them worried about whether their children will be cared for when they are sick. The same philosophy has been in place since 2001 with this President with 6 years of no balance and accountability, just one world view, 18 months of our coming in now and slowing the trend down, working hard to bring in some accountability, even though there are unprecedented Republican filibusters to stop us.

But we have seen a philosophy that has failed. We need to be taking actions to stop the fraudulent, risky, and abusive lending practices, and that has been proposed over and over again. I commend Chairman DODD of the Banking Committee and Chairman BAUCUS of the Finance Committee and all those who have brought forward proposals that will make a difference.

We need to modernize the rules for a 21st century marketplace that will protect American investors and consumers. We have been proposing those changes. We also know we have in place a series of mechanisms that would hold special interests accountable and be able to make sure that people's incomes and pensions and the economy in general are protected. We just haven't used it.

I stand with another colleague of ours, Senator BARACK OBAMA, who has said if you borrow from the Government, you should be regulated. There should be public accountability, transparency, if you are borrowing from the Government. If we want to stop abuses of the public trust, we need to have openness, we need to know what is going on in the markets, we need to know what is going on. If we want to protect the American people, we need to regulate dangerous practices, such as predatory lending.

We know there is so much that we need to do right now. First is to address the hole we are in economically, and the next is to stop digging, stop making it worse. Stop tax breaks for those who have already done so well, even in these terrible circumstances. We need to make sure we are focusing on those who have worked so hard all their lives, and their families who are looking for the opportunity to be successful in America. They want to know they are going to have a fair chance to do that, that the rules are going to be fair, they are not going to be stacked against them and in the interest of a special few, which is what has been happening since 2001 over and over.

Let me go back to my original comment and look at the 3.5 million manufacturing jobs lost since 2001. Our colleague, JOHN MCCAIN, says the fundamentals of the economy are strong. I beg to differ. The fundamentals of the economy for Americans working hard every day making a paycheck, trying to make ends meet, worrying about whether they are going to have a job, health care, send the kids to college, put food on the table, pay for the gas and all the other things, for them the economy is not strong.

People are working too hard, making too little, and paying too much every day, and we do not need another study or another commission. We need leaders who get it, who have the right values, who understand, who have the intestinal fortitude to stand up and fight for the American people, the middle-class families who are sick and tired of what has been going on.

I can tell you, coming from the great State of Michigan, the people of Michigan have had enough. We have had enough. We can't take more of this. We can't take 4 more years of this. We can't take 4 more days of this. We have had enough. But to change it, I believe strongly that we need to understand this is not just an accident that we are where we are. It is a conscious philosophy. It is actions and inactions that have been taken by those in charge—by this President, supported by Senator JOHN MCCAIN, supported by Republicans in the House and the Senate—that have created the situation that has fostered the circumstances in which we find ourselves.

We can't do this anymore. We need to make sure government works for real people, real people who have had enough. I can't say it more strongly: We have to stop traveling down the road we are on, following this philosophy that has run us into extremely dangerous economic territory.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, are we on the Defense bill or in morning business?

The PRESIDING OFFICER. We are on the Department of Defense bill under cloture.

Mr. TESTER. Mr. President, I want to take a moment to thank Chairman LEVIN and Senator WARNER for their willingness to work with me on the amendment that has been accepted into the managers' package. This amendment provides some additional comfort to family members whose loved one is killed while serving in the military by allowing the Defense Department to pay for travel to a memorial service honoring a servicemember killed on Active Duty.

Currently, the law allows for the services to provide transportation of family members to a burial service of a servicemember killed on Active Duty. Although the law makes this voluntary, the services, much to their credit, all make this travel available to the families. However, current law does not allow travel to memorial services. With many families split up over long distances, this can be particularly painful when a parent or sibling of one of our fallen heroes cannot afford to travel to a memorial service held by a unit or even other members of the family. Although some charity groups have been able to help these families attend memorial services for their fallen loved ones, when servicemembers die in service to their country, it is this country's moral obligation to help their families in every possible way.

This amendment would allow the Secretary of each service to allow family members of fallen heroes to attend one memorial service as a way of helping to honor those who give the ultimate sacrifice—their lives—to our Nation. It would be voluntary. The services do not have to participate, but at least they would have the option, which is something they currently do not have.

Earlier this year, a constituent of mine suffered the loss of his son. He died in a hospital in Canada after being injured in Iraq. He was on a transport flight from Germany to Walter Reed when his condition worsened and the plane diverted to Halifax. When my constituent's ex-wife sought to have a memorial service for their son in Phoenix prior to the burial at Arlington National Cemetery, the Army had to tell the man, whose son had given his life for our country, that the country could

not help him attend that memorial service.

I think we can do better. I think we should do better. This amendment will allow us to do better.

When a soldier or marine or airman goes to war, the whole family goes to war. When a servicemember gives the ultimate sacrifice and is killed in service to our Nation, we need to do the right thing for the family. That is why I have offered this amendment. Again, I thank Chairman LEVIN and Senator WARNER for working together to help get this amendment into the managers' package.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask to be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Mr. President, this week we have learned that Lehman Brothers, one of the oldest financial institutions in our country, an investment bank that has survived two world wars and a Great Depression, has proven that even it could not survive 8 long years of deregulation and lax oversight by the administration of George W. Bush. It is going bankrupt.

Yesterday we also learned that the beleaguered Merrill Lynch, the largest brokerage firm in this country, will be bought out by Bank of America, the largest financial depository institution in this country. Now we are also learning that AIG, the largest insurance company in the United States, and Washington Mutual, the largest savings and loan association in this country, are also in deep financial trouble. The list of troubled banks that the FDIC maintains is growing larger and larger.

In addition, last week, to avert a complete mortgage meltdown, we saw the Bush administration bail out Fannie Mae and Freddie Mac, putting tens, if not hundreds, of billions of dollars of taxpayer dollars at risk. Earlier this year, we saw the Federal Reserve orchestrate the takeover of Bear Stearns, a deal backed by $30 billion in taxpayer dollars.

At the same time, Americans are still paying outrageously high prices at the gas pump. Prices are still over $3.50 a gallon, even though the price of oil is now down to almost $90 a barrel. Every little hiccup to send gas prices up or down with virtually no connection to real supply and demand indicators.

Up to this point, the Republicans in the Senate have prevented us from taking any real action to rein in those volatile energy markets, so oil could be down this week, but any kind of rumor or instability, whether man made or natural, could send those same prices soaring again.

I think it is important the American people understand why we got to where we are today; why we are in a situation where millions of workers are fearful about being able to heat their homes in the wintertime while workers all over this country are finding it very difficult to fill their gas tanks. Is what occurred simply bad luck? Are we at the bottom of the so-called business cycle? How do these happenings occur to what was once the strongest economy in the world with the greatest middle class?

If we take a deep look at what is going on in terms of the financial crisis we are suffering through today and the volatile energy prices we are suffering through today, we can understand that both are the result of deliberate policy decisions made by the Congress and the administrative negligence on the part of the Bush administration. These deliberate policies were the result, to a significant degree, of the power and influence of corporate lobbyists—who also make huge campaign contributions—representing some of the most powerful special interests in the world, whether it is big oil, big coal or whether it is the largest financial institutions in the world.

What these lobbyists fought for and secured was selling deregulation snake oil, deregulation snake oil backed with millions in campaign contributions. That is what I think is the overlying issue as we look at the financial crisis facing Wall Street and the soaring and volatile prices in terms of oil.

All too often when bad things happen because of failures here in Washington, both parties generically blame it on the other and no one stands up and tries to point out what, where, why and, most importantly, who is behind these bad policies. As an Independent, I think that breeds a cynicism and an anger and a frustration on the part of the American people about the political system of our country.

Well, in this case, I think the American people deserve a little more of an explanation. It has been their hard-earned dollars that have been needlessly spent on $4 a gallon gasoline. It is their retirement savings and, my God, I wonder all over this country the kind of frustration that exists today with the volatility in the stock market going down 500 points yesterday and what people are worried about, whether their 401(k)s are going to be worth very much in the future. These are very frustrating times for the American people.

In the case of both of these current crises, the financial services and energy crisis, one of the major actors and perhaps the main actor in creating what we have seen today is a former Senator from Texas named Phil Gramm. In terms of our financial crisis, one of the reasons we are in the mess we are in today is because of the enactment of the Gramm-Leach-Bliley Act in 1999. As you may recall, this legislation was responsible for deregulating the financial services industry by completely repealing the Glass-Steagall Act.

Now, I was a Member in the House of Representatives at the time. I was a member of the House Banking Committee when this legislation was being debated. I remember that debate very well because I was in the middle of it. Let me tell you, I do not mean to be patting myself on the back, but I think it is important to take a little bit of a look at recent history.

This is 1999 during the debate. This is what I said as a member of the House Banking Committee:

> I believe this legislation will do more harm than good. It will lead to fewer banks and financial service providers, increased charges and fees for individuals, consumers and small businesses, diminished credit for rural America, and taxpayer exposure to potential losses should a financial conglomerate fail. It will lead to more mega mergers and a small number of corporations dominating the financial service industry and a further concentration of economic power in our country.

Unfortunately, that is exactly what is happening today, and I would much prefer to have been wrong than right. But on the other hand, former Senator Phil Gramm—who I should mention to you has been Senator MCCAIN's top economic adviser—at that time had a very different opinion of the legislation which bears his name. Senator Gramm at that time said something very interesting about that piece of legislation. This is what he said:

> Ultimately the final judge of the bill is history. Ultimately, as you look at the bill, you have to ask yourself, will people in the future be trying to repeal it? I think the answer will be no.

Well, put me down as a Senator who believes we need to repeal Gramm-Leach-Bliley. Put me down as a Senator who believes we need to restore strong Government oversight of the banking industry. Put me down as someone who believes we need to have firewalls in the financial services sector so that we do not have the domino effect we are seeing right now.

There was a reason Congress enacted reforms of the banking industry in the 1930s, and that was because we did not want to repeat the mistakes that caused the Great Depression. Failing to have learned from our mistakes, it looks as if we are doomed to repeat them.

The lesson here is that left to their own devices, company executives will make poor decisions and put their investors' capital at risk. The important lesson here is that poorly regulated financial markets invariably endanger the health of the entire economy and, of course, as this world becomes more and more interlocked, in fact, the economy of the entire world.

In that context, the extreme economic ideology of people such as

former Senator Gramm, and for that matter Senator MCCAIN, says that the people of this country should simply stand back and allow executives in Wall Street boardrooms to make decisions with no public oversight that have the potential of wrecking our economy. In other words, deregulate them, let them do whatever they want in order to improve their bottom line, and the Government does not have to watch to see what the implications of their decisions are for our country or for our taxpayers.

I disagree with Senator Gramm's perspective. People who want to gamble their own money are certainly welcome to do that. But when your actions have the ability to dry up credit for businesses all over our country, when your actions can dry up mortgages for people who desperately want to buy a home or stay in their home, when your actions depress the value of Americans' savings, we need public oversight, and it should be strong oversight with the primary mission being to protect the American public from the reckless greed that has brought us to where we are today.

In former Senator Gramm's world view, when it comes to protecting the American consumer and the safety and soundness of our financial institutions, Government is not the answer, Government is the enemy, Government is terrible. But when banks fail, all of a sudden, guess what happens. The Government has no choice but to intervene to prevent the entire economy from collapsing. The Gramm-McCain version is one where profits are private, going to the very wealthiest people in this country, but risk is public, being assumed, by and large, by the middle-class and working people of this country. It is socialism for the very rich, and free enterprise for everyone else.

Unfortunately, former Senator Gramm was not satisfied by having set up the dominos in 1999 that made our current financial crisis possible. In 2000, he decided his loot-and-burn economics had to be applied to the energy markets as well now. This is an achievement. First you go after deregulating the financial markets, and then you move to energy. And out of his efforts in energy, of course, the so-called Enron loophole was born. Senator Gramm, who was then Chairman of the Banking Committee, was one, if not the main proponent of the provision deregulating the electronic energy market that we now know as the Enron loophole.

Was this done through a deliberative process with debate and hearings? Actually, no, it was not. This very important provision was slipped into a massive unrelated bill with no discussion and no hearings, and the American people today are paying the price for that.

The Federal agency that oversees those energy markets was the Commodity Futures Trading Commission, the CFTC. Conveniently, the head of that agency at the time was a Wendy Gramm. Yes, you guessed it, it was his wife. And Wendy Gramm had become head of the CFTC after being on the board of directors of, well, you guessed it, the Enron Corporation. Even Hollywood could not come up with a plot quite so transparent.

The result of this deregulation of the energy markets has, according to many experts who have testified before Congress, allowed speculators on unregulated markets to artificially drive the cost of a barrel of oil up to over $147 a barrel.

My colleagues, including Senator DORGAN and Senator CANTWELL and many others, have laid out the way that speculators have driven up oil prises in many well-researched presentations here on the floor and a number of Senate committees. I applaud them for their leadership. But all of this speculation and all of the millions and billions of dollars that Americans have spent on exorbitantly priced gasoline would not have happened if it had not been for the efforts of Senator Gramm pushing through the so-called Enron loophole.

As central as Senator Gramm was in creating the financing and energy disasters we are currently facing, he was aided and abetted by the Bush administration's willingness to simply look the other way. Even with all of the harm that has been done to the economy, President Bush still refuses to acknowledge it. One wonders what world he is living in.

And, shockingly, Senator MCCAIN is singing from the same song sheet. On September 15, Senator MCCAIN said:

> The fundamentals of our economy are strong.

Does that sound familiar? Well, it should. Since 2001, President Bush and members of his administration have repeatedly described the economy as strong and getting stronger: Thriving, robust, solid, booming, healthy, powerful, fantastic, exciting, amazing, the envy of the world.

Those are the adjectives used by the President and members of his administration over the last 8 years. What economy are they looking at? The fact is, when it comes to the economy, Senator MCCAIN and President Bush do not get it. Is it a surprise to anyone that Senator Gramm, who, until fairly recently, was Senator MCCAIN's major economic adviser on his campaign, described Americans as ''a nation of whiners'' who are suffering through a ''mental recession''?

Was it a surprise? What is surprising is that Senator MCCAIN is trying to pass himself off as a maverick when he looks to the same people, people such as Senator Gramm, who laid the groundwork for our current economic problems.

While Senator MCCAIN and President Bush think the fundamentals of our economy are strong, while they talk about how robust things are, the reality is the middle class in this country is collapsing. And if we do not make the kind of bold changes we need to make, for the first time in the modern history of America our children will have a lower standard of living than we do.

We are looking at the American dream as an American nightmare. We are moving in the wrong direction economically as well as in so many other areas.

Since President Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty. How do you think the fundamentals are strong when 6 million more Americans enter the ranks of the poor? Since Bush has been in office, over 7 million Americans have lost their health insurance. Now well over 46 million Americans are without any health insurance at all, and even more are underinsured. Does that sound like the fundamentals of the economy are strong?

Since President Bush has been in office, over 3 million manufacturing jobs have been lost, total consumer debt has more than doubled, median income for working-age Americans has gone down over $2,000 after adjusting for inflation. They do not get or do not care that prices on almost everything we consume are going up and up and up.

Today the typical American family is paying over $1,700 more on their mortgages, $2,100 more for gasoline, $1,500 more for childcare, $1,000 more for a college education, $350 more on their health insurance, and $200 a year more for food than before President Bush was in office.

In addition, home foreclosures are the highest on record, turning the American dream of home ownership into the American nightmare. The unemployment rate has skyrocketed. Since January of this year, we have lost over 600,000 jobs. Adding insult to injury, the national debt has increased by over $3 trillion, and we are spending $10 billion a month on the war in Iraq, making it harder and harder to do anything to help the struggling middle class.

Is it any wonder that Rick Davis, Senator MCCAIN's campaign manager, recently said: ''This election is not about issues''? If my economic policies were to follow President Bush's and the economy was in a state of near recession and unemployment was up and median family income went down and more people were losing health insurance and more and more people were in debt, the foreclosure rate at the highest rate in American history, if all those things were happening, I would certainly also run on a campaign not having anything to do with issues whatsoever. That is what I would do. I would run away from all of those issues. That is certainly JOHN MCCAIN's strategy. Who can blame him?

JOHN MCCAIN claims to be offering change. But on issue after issue, he is offering more of the same—more tax breaks for the very rich, more unfettered free-trade agreements that will

cost our country millions of good-paying manufacturing jobs, more tax breaks to big oil companies ripping off the American consumer at the gas pump; in other words, more of George Bush's failed policies that have led to a collapse of the middle class, an increase in poverty, and a wider gap between the very rich and everyone else.

JOHN MCCAIN and George Bush may be right in one respect: If they are talking about the wealthiest people and the most profitable corporations, the economy is fundamentally strong. Things could not be better for those people, that small segment of our society. In fact, one can make the case—and economists have—that the wealthiest people have not had it so good since the robber baron days of the 1920s.

Right now—this is really quite an astounding fact—the top one-tenth of 1 percent of income earners earn more income than the bottom 50 percent. That gap between the people on top, who are busy trying to build record-breaking yachts and all kinds of homes, busy buying jewelry that is unbelievably expensive—one-tenth of 1 percent earn more income than the bottom 50 percent—that gap is growing wider. Also the top 1 percent own more wealth than the bottom 90 percent. We as a nation have the dubious distinction of having the most unfair distribution of wealth and income of any major country on Earth.

The wealthiest 400 people have not only seen their incomes double, their net worth has increased by $640 billion since President Bush has been in office. Can we believe that? The wealthiest 400 Americans have seen their net worth increase by $640 billion since George Bush has been in office. Today, the richest 400 Americans are now worth over $1.5 trillion. At the same time, we have the highest rate of childhood poverty; 20 percent of our children live in poverty. We have working families lining up at food banks because they don't earn enough to pay for food.

Apparently, all of that is not good enough for Senator MCCAIN and for President Bush. They insist that those tax breaks be made permanent. In George Bush's and JOHN MCCAIN's world, those are the Americans who are struggling. The wealthiest 400 Americans just can't make it on $214 million a year. It must be pretty hard to scrape through and get the food and shelter a family needs, so obviously those are the guys who need a tax break.

We have had almost 8 years of President Bush's economic policies. They follow, of course, 8 years of the policies of President Clinton. I think it is important to say a word to compare what happened during those two administrations.

I happened, as a Member of the House, to have disagreed with President Clinton on a number of issues. But I think when we look at his overall economic record and contrast it to the overall economic record of President Bush and the policies Senator MCCAIN would like to follow, the record speaks for itself.

Take a look at job creation, how many new jobs have been created. Under President Clinton, almost 23 million new jobs were created. That is a pretty good record. Did every one of those jobs pay the kind of wages we would like? No. But nonetheless, almost 23 million new jobs were created in Clinton's 8-year term. Under President Bush, less than 6 million jobs have been created.

Under President Clinton, more than 6 million Americans were lifted out of poverty and into the middle class. Under President Bush, the exact opposite has occurred. Nearly 6 million people who were in the middle class have been forced into poverty. Under President Clinton, median family income went up by nearly $6,000. That is a lot of money. Under President Bush, median family income is going down.

The Republican Party for years has told us they are the party of fiscal responsibility above all. Yet, under President Bush, the national debt has increased by more than $3 trillion. Under President Clinton, we had Federal surpluses as far as the eye could see. Under President Bush, we have had Federal deficits as far as the eye can see.

There is a clear choice to be made this year. That choice is, does Government work for all of the people, for the middle class, for working families, for people who are struggling, or do we continue to develop policies which represent the people on the top who, in fact, have never had it so good since the 1920s?

The future of our country is at stake. I personally believe we cannot afford 4 more years of President Bush's policies.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from North Dakota.

Mr. DORGAN. Mr. President, the wreckage all of us observed yesterday and the consequences of a 504 point drop in the stock market and the concern in this country about its economic future can be traced to a lot of things. I wish to talk about some of them for a few minutes. I want to show a couple charts that describe some of the origin of what has weakened this economy, and then I will talk about how this all happened.

Almost everyone in this country in recent years has seen ads like this from Countrywide, the biggest mortgage banker in the country. Countrywide had an advertisement that said: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

Countrywide Bank, the biggest bank of its type in America, saying, essentially: You have bad credit? You need money? Call us. Most people would probably hear that, as I did over the years, and think: How can they do that? How does that work. You advertise that if people have bad credit, they ought to come to you.

Here is Millenia Mortgage. They said:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Here is a mortgage company saying: Come on over here, get a mortgage from us. We will give you a home mortgage. You don't even have to make the first 12 months' payment. We will make it for you. They don't, of course, say here that what they will do is stick that on the back of the mortgage and add interest to it. But that is what they are advertising.

Here is Zoom Credit. All of these are television, radio ads. They said:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan or a credit card. Even if your credit's in the tank, Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation too. Bankruptcy, slow credit, no credit—who cares?

That is what Zoom Credit was saying to customers. You got bad credit, you have been bankrupt, who cares? Come and get a loan from us. They say: We don't care if you have bad credit.

In fact, here is what they also say: Get a loan from us. We will give you what is called a ''low doc'' loan or a ''no doc'' loan. If you have bad credit, we will give you a ''low doc,'' which means we will give you a home mortgage and you don't even have to document your income for us. You don't have to prove your income to us. That is called no documentation. Bad credit, come and get a loan from us. No documentation, that is OK. It is unbelievable and unbelievably ignorant.

I pulled this off the Internet. Perfect credit not required. No-income-verification loans. Pretty interesting, isn't it? Come and get a mortgage from this company. You don't have to verify your income, and you don't need perfect credit. Here is a company on the Internet that wants to give you a home loan. It says: You can get 5 years' fixed payments with a 1.25-percent interest rate. That is interesting, isn't it? Of course, it is a sham, the 1.25-percent interest rate you get to pay. Again, bad credit? Come to us, we will give you a mortgage. You don't want to document your income, that is OK. Bad credit and no documentation. And by the way, we will give you a 1.25-percent interest rate.

All of us, when we were kids, went to western movies from time to time. In virtually every movie, they had the guy who came into town with a couple old mules driving a slow wagon. He wore a silk shirt and striped pants, and he was selling snake oil. It cured everything from hiccups to the gout. He was selling snake oil from the back of his

wagon. This is not in an old western. These are companies on the Internet, on television, on radio.

I go back to Countrywide, the largest mortgage broker. Do you have less than perfect credit? Come to us. We want to invite you, get a mortgage from us. That is what happened.

Now the stock market collapses on Monday. What is the relationship? The relationship is that our economy is reeling from the wreckage of the subprime loan scandal. What does that mean, subprime loans? All of this starts with some brokers out there who are selling mortgages. Then they sell to it a mortgage bank, and then the mortgage bank securitizes it and sells it up to a hedge fund, and the hedge fund probably sells to it an investment bank. What they do is, they loan money to people with bad credit and provide no documentation or they loan money to people with good credit and give them teaser rates with resets and prepayment penalties that the people can't possibly pay 3 years later and set them up for failure and then sell these loans in a security. As they used to pack sawdust in sausage, they pack bad loans with good loans. They slice them and dice them and sell them up the stream.

So now you have loans, a cold call to a person who had a home by a broker saying: You are paying 6 percent interest rate on your home mortgage? We will give you one for 1.25 percent. We will dramatically reduce your home mortgage monthly payment. And by the way, we are not going to emphasize this—in fact, we may just mention it in a whisper—ultimately, it is going to reset, and it will be 10 percent in 3 years. And by the way, you don't have to document your income. At any rate, you can't pay with your income at a 10-percent rate in 3 years, but it doesn't matter, you can sell that home and flip it between now and then. Don't worry about it. That is the kind of thing that was going on with an unbelievable amount of greed—with the brokers, with the mortgage companies, with the hedge funds, the investment banks, all grunting and snorting and shoving in the hog trough here. They were making massive amounts of money, and the whole thing collapsed, just collapsed.

Now, how does it happen that it helps cause a bankruptcy in France or a bankruptcy in Italy or a 504-point drop of the stock market here in the United States on Monday and so many other failures? Bear Stearns doesn't exist anymore, Lehman Brothers is going bankrupt. I could go through them all. How is it that all of this is happening, all of this carnage and wreckage as a result of this greed?

Let me go back just a bit. Two things, it seems to me. No. 1, there are a bunch of folks who were fast talkers who decided they were going to sell Congress on financial modernization. We have learned this lesson. This lesson existed in the 1930s. In the Roaring Twenties, it was ''Katy, bar the door,'' anything goes, and the economy collapsed into a Great Depression. Franklin Delano Roosevelt, with the New Deal, said: This isn't going to happen again. Banks were failing. Banks were closing. Depositors couldn't get their money. Franklin Delano Roosevelt and the New Deal repaired that economy by saying: We are going to separate commercial banking institutions from other risky enterprises. We are not going to let banks get engaged in real estate and securities and insurance. We are not going to do that because this is the very perception of safety and soundness. Safety and soundness determines whether a bank is safe and sound. If you injure that perception by fusing risky enterprises—real estate, for example, and securities underwriting—with traditional banking issues, you do a great disservice to this country's economy. So they were separated with the Glass-Steagall Act, for example.

In 1999, the Financial Modernization Act was passed. I was one of eight Members of the U.S. Senate to vote against it because it repealed the Glass-Steagall Act. Oh, they all promised firewalls. It didn't mean a thing. I warned then, and I warn again now: These are the significant consequences of forgetting the lessons of the 1930s which are going to haunt us, and they are haunting us.

So what happens is they not only passed a Financial Modernization Act which repeals Glass-Steagall and the very things we put in place to protect against this sort of thing—the mingling of risky enterprises with banking—they not only do that, but George W. Bush wins the Presidency and he comes to town and he appoints regulators—i.e., Harvey Pitt to run the Securities and Exchange Commission, just as an example. What is the first thing he says when he gets to town? He says: You know something, you should understand that the Securities and Exchange Commission is a business-friendly place now. Right. Well, that is what happened in virtually every area of regulation. People were appointed who didn't have the foggiest interest in regulating. The whole mantra was to deregulate everything: Don't look, don't watch, don't care. As a result, in virtually every single area, we saw this kind of greed and unbelievable activity develop across this country.

So now we went through this period with a housing bubble built up with these subprime mortgages, and then we saw the whole thing go sour and people wonder why. It is not surprising at all that it went sour. What is surprising to me is how so many interests got sucked in by this and how unbelievably damaging it has been to the American economy.

How could they have missed what was going to happen here? We had some of the biggest investment banks in the world that were buying securities that had bad value mixed in with securities, and they didn't know it, they say. Where is the due diligence? How on Earth could that have happened?

Now, there is a kind of a no-fault capitalism and no-fault politics going on around here. No-fault capitalism—all of those folks who said: Get Government off my back. We want to run these big enterprises the way we want to run them. Then they run them into the ground, and they need to have the Federal Reserve Board open—for the first time in their history—a window for direct lending to investment banks just as they do to regulated banks. Why? Because they were worried they were too big to fail. If an enterprise such as that is too big to fail, why is it too small to regulate? Why is it that all of the regulators sat on the sidelines while something that most people don't even know about—$40 trillion in value of credit default swaps were out there, and much of it is as a result of dramatic borrowing and leverage. It is a house of cards with a big wind coming, and that wind can play havoc with this financial house of cards.

So the no-fault capitalism portion of it is that they do what they want to do—make a lot of money. We all know what the compensation has been: unbelievable money for those at the top who are running these organizations. Then it takes a nosedive, and a bunch of our bankers and others convene in New York and they just say: All right, who are we going to save, who are we going to prop up, or who are we going to give a direct loan to? That is no-fault capitalism. No-fault politics: It is all of those who were running around here thumbing their suspenders saying: Well, we have to deregulate, we have to do this and that. Let's ignore the lessons of the 1930s. Let's get rid of Glass-Steagall. Let's let commercial banks get engaged in securities underwriting and other risky activities. All of those folks are now saying: Well, that is not what caused this problem. In fact, they are still strutting their stuff saying the economy is strong.

The economy is not strong. The economy is dramatically weakened as a result of what these folks did to the economy and as a result of this administration's decision that regulation is a four-letter word. I have news for them: Regulation has more letters than four, and regulation is essential to the functioning of this kind of Government.

I think free markets are very important. I believe in capitalism and the free market system. I don't know of a better allocator of goods and services than the marketplace, but I also understand the marketplace needs a regulator. There need to be regulators who make certain that when the marketplace gets out of whack, somebody calls it back in. Regulators are like referees, except these regulators in this administration had no striped shirts and no whistles to call fouls because they didn't think anything represented a foul. It was ''let the buyer beware.''

Now, what happens next? Well, regrettably, none of us know. We don't

know what will happen after yesterday. We don't know what will happen the rest of the week. We don't know what else is there. Some say the biggest reset of mortgages will occur in the fourth quarter of this year, which is very soon now. We don't know the consequences of all of this because this was a spectacular, unbelievable trail of greed that, in my judgment, has dramatically injured this country.

What is important now is for us to try to create some sort of a net to catch this economy and then put it back on track with really effective regulation—and decide that we are going to have sound business principles and we are going to relearn the lessons of the past. We shouldn't have to relearn them, but we will. We understood the lesson from the 1930s. We taught it in our colleges, about the fundamentally unsafe condition of merging risk with banks. Yet, I can recall when it was sold to the Congress as financial modernization. It was the big shots getting their way, and we all pay a dramatic penalty for it.

''The economy is strong,'' my colleagues have said. Senator MCCAIN—and I wouldn't normally mention him on the floor of the Senate. He is out there running for the Presidency. But since Senator MCCAIN grabbed pictures of me and several others and put them in television commercials to suggest, here is what is wrong, perhaps maybe it is OK for us to say what is wrong are those who were such cheerleaders for taking apart that which was to protect this country in the first place—Glass-Steagall and others. They knew better—should have known better—and what is wrong is those who aided and abetted and carried the wood in the last 7 years to say to regulators: Don't bother regulating. Get your paycheck. We will give you a paycheck. Just be friendly. Don't regulate. Don't look. Those who did that did a great disservice to this country, in my judgment.

Now, I recognize this is not a political system in which one side is always all right and one side is always all wrong. That is not the case. It just is not. Both political parties for a long time have contributed much to this country. But I would say this: We have been through a period that I think is devastating to this country's economic future. A lot hangs in the balance.

I think if the American people want more of the same, then they can sign up for that. They can say: Well, we kind of like what is going on here. We like the notion that regulators were told not to regulate and complied aggressively. We like the notion that we have nearly 700,000 people who have lost their jobs just since the first of this year. We think that has gone really well. We like the fact that the price of oil doubled from July of last year to July of this year. We think that is just fine. If people really believe that—we like all of these things—there is certainly a way to continue that, and that is just to say to all those who are running in support of President Bush's policies: Boy, let's just keep doing it. But it seems to me—the old law says when you are in a hole, stop digging. It seems to me the American people understand that very well.

It is time now—long past the time—for this country to get back to fundamentals and for the American people to insist from their Government the kind of responsibility that Government should manifest in terms of its responsibility to protect the marketplace, to protect the American taxpayer, to try to do things that help all Americans, help lift up all Americans.

My colleague described a bit ago the circumstance in this economy where the wealthy have gotten very wealthy—much wealthier—and then the folks in the rest of the population are struggling to figure out: How on Earth can I keep my job. We have all of these folks sending these jobs to Asia. How do I keep my job? Or if I keep my job, why is it that they withdraw my health insurance and no longer provide health insurance? Why do I not have a retirement program anymore? That is what working people face every single day. They get out of bed, many of them work two jobs, they work hard, trying to do the right thing, and they discover the folks at the very top are getting by with really huge incomes.

By the way, last year the top income from a hedge fund manager was $3.6 billion—$3.6 billion—and they pay a 15-percent top income tax rate. Isn't that unbelievable? By the way, they don't even pay that, in most cases, because they try to run their carried interests, as they call it, through tax-haven countries in a circumstance where they can defer compensation and avoid paying even the small 15 percent income tax rate. So when somebody comes home making $3.6 billion and the spouse says: How did you do today, honey? Well, pretty well. This month, I made $250 million. That is a far cry from what most American working people would understand or accept, in my judgment. When you see what is happening at the top compared to what is happening to the rest, there is something wrong with this economy.

Now, I have just described in some detail what happened to cause this subprime collapse. To most people—it is a term that is almost foreign—subprime lending. Yet much of it is at the root of the dramatic problems we now have: the failure of investments, the difficulty of all kinds of institutions that loaded up with this. Why did they load up? Because the people who sold these subprime mortgages put prepayment penalties in them. They loaded them with very low interest rates at the front end and then a reset to very high interest rates on the back end—in most cases, 3 years—and then put prepayment penalties in so you couldn't get out of it. So when they securitized it and sold the security upstream to the hedge funds and the investment banks, they looked at that and said: This is really good. We have a huge, built-in, high income from these mortgages, and the borrower can't get out of it because there is a prepayment penalty. That is why they paid premiums for it. That is why they all thought they were getting rich. It was unfettered greed. They all made money in the short term, and the American economy takes a giant hit in the longer term.

Finally, let me just say I don't think this is a case that is like all other cases. We are challenged in lots of ways on many different days here in the Congress. This is a different challenge. This country's economic future hangs in the balance, and the question is, Will we have the leadership? Will we exhibit the leadership to do this?

Mr. President, the answer has to be yes. We cannot decide no, maybe, maybe not. The answer has to be that this requires new, aggressive leadership. We have a Presidential campaign going on now, and I happen to support Senator OBAMA. I think it is critically important to look at the history and the record of the candidates to find out who is going to support the kinds of things that are necessary to get this country back on track.

I have talked previously a couple times about John Adams' description of trying to put a new country together when he would write to Abigail. He traveled a lot and was in Europe as they were trying to put this new country together. He would write to his wife Abigail and say plaintively in letters: Who will provide the leadership for this new country of ours? Where will the leadership come from? Who will be the leaders? Then in another one he would lament that there is only us—me, George Washington, Ben Franklin, Mason, Madison, and Jefferson.

In the rearview mirror of history, that was some of the greatest human talent ever assembled, and this country was given leadership. Every generation asks, where will the leadership come from? If ever there was needed new leadership to step forward and say we need a new way, not the old way, we need to put America back on track, to get our grip and our traction, it is now.

I think our economy is in significant peril. I know what happened to it. The question is, how do we fix this mess? How do we deal with the wreckage? I hope the debate we have—let me just say in this discussion about running for President, I have seen so much dishonesty with respect to the television commercials that have been run and the making of issues and about the phrases that are used. It is unbelievable to me. The one thing I will say I admire is that BARACK OBAMA—whom I have campaigned with in this country—is talking about the future, about issues, and he is talking about raising up this country, which I think is so important at this point. We need that leadership now.

Mr. President, with that, I am going to speak later this week on some other issues. I wanted to talk today about the issue of the two points that I think have dramatically weakened this country: One, the salesmanship of the Financial Modernization Act. Eight of us—myself included—voted against that in the Senate, believing that it would damage this country, and indeed it has. Second, the arrival of George W. Bush, who decided he didn't believe in Government regulation. We now see the carnage and wreckage that has resulted from that. This country deserves better and will get better, in my judgment.

Mr. WHITEHOUSE. Mr. President, as we debate legislation to authorize more than $600 billion for our Armed Forces, we have a responsibility to the taxpayers who foot the bill to make sure that money is being used as carefully and as wisely as possible. Today I rise in support of an amendment offered by Senator SANDERS and cosponsored by myself and Senator FEINGOLD that exposes unnecessary and wasteful spending within the Department of Defense and offers a solution.

From storage warehouses to assembly lines, the Department of Defense is sitting on billions of dollars in parts and supplies that are in excess of the military's requirements—everything from jet engines to springs to fuel tanks.

The Army, Navy, Air Force, and other Department of Defense agencies currently possess $30.63 billion of unneeded spare parts, in addition to $346 million of excess spare parts that are on-order—parts that are still being produced or delivered, but that the military already knows it doesn't need. The Air Force has $18.7 billion of excess spare parts on hand; the Navy has $7.7 billion, and the Army has $4.21 billion. On-order excess spare parts are at lower but still unacceptable levels. The Air Force has $1.3 billion in excess parts on-order; the Navy has $130 million, and the Army has $110 million.

It gets worse. Branches of the Armed Forces have millions of dollars of spare parts on-order that they have already decided they will dispose of when they arrive. If a retailer like Target or Best Buy or Kmart controlled its inventory so poorly that it had $307.48 million worth of items on-order that it knew it would have to dispose of immediately upon arrival, that company would quickly go bankrupt. The Air Force has $235 million of spare parts marked for disposal; the Navy has $18.18 million, and the Army has $54.3 million. That's a nonsensical and unacceptable waste of taxpayers' money.

The Defense Department's inventory management systems are a big part of the problem: they are incompatible, duplicative, and ill-equipped to the task of managing such a massive volume of parts and supplies. Don't just take my word for it. Over the last decade, the General Accountability Office has repeatedly flagged these inventory management systems as ''high-risk,'' vulnerable to fraud, waste, abuse, and mismanagement. If American companies can get this right, there is no reason that America's military can't.

Waste in excess inventory is part of a bigger problem of waste in the Department of Defense. The distinguished chairman of the Armed Services Committee, Senator LEVIN, recently cited a GAO report detailing $295 billion in cost overruns and an average 21-month delay on Pentagon weapons systems. The GAO report recommends strong congressional oversight of defense programs. To that end, the reporting mechanisms of the Sanders-Feingold-Whitehouse amendment increase oversight and prevent waste in the Department of Defense.

Our amendment calls on the Department of Defense to cut waste and fix the problem. This measure would require the Secretary of Defense to certify to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced by half their spare parts that are on-order and already labeled as excess. Until this certification is completed, the amendment would withhold $100 million from the defense budget for military spare parts.

Our amendment would also require the Department of Defense to come up with a plan to reduce the acquisition of unnecessary spare parts and improve its inventory systems. It would then require quarterly progress reports to Congress, including reports on the levels of excess inventory that are on hand and on-order.

Our troops deserve the best equipment and the best supplies we can give them to help them do their jobs and keep us safe. Leaving billions of dollars of spare parts to rust away in warehouses just doesn't serve that purpose. I urge my colleagues to support this commonsense, important amendment.

Ms. MIKULSKI. Mr. President, I rise today to express my thanks and appreciation to Chairman LEVIN and Senator WARNER for their outstanding efforts on the bipartisan National Defense Authorization Act for Fiscal Year 2009.

I would especially like to recognize Senator WARNER for his stewardship of this bill this year, and his determined role managing the bill on the floor over the last few weeks. Senator WARNER has played a role in most of the Defense authorization bills over the last 40 years. His sage counsel and steady hand on the rudder are an invaluable asset to the Senate in meeting our commitment to our men and women in uniform.

I would like to thank the committee for supporting $1.3 billion in military construction and base realignment and closure funding for Maryland's military installations. This funding is especially critical to ensuring that the BRAC transition of Walter Reed Army Hospital to the National Military Medical Center in Bethesda, MD, stays on track. We owe it to our wounded warriors and their families to give them world class medical facilities that they deserve.

This bill also makes great strides in continuing to focus on the Dole-Shalala recommendations that outline the best courses of action for improving the quality of care for our wounded warriors. This bill requires the Department of Defense to establish Post Traumatic Stress Disorder and Traumatic Brain Injury Centers of Excellence and conduct pilot programs to better treat these disorders. The bill will also require that the Department of Defense to develop uniform standards and procedures for disability evaluations of recovering servicemembers across military departments. I commend the committee for continuing to make quality military health care a priority.

This legislation provides vitally important increases in authorized funding for our National Guard. This bill shows a clear and substantial commitment to restore and improve the homeland defense capabilities and readiness of our National Guard. I am very pleased that the committee increased the authorization of the Army's procurement budget by $391.2 million for dual-purpose equipment in support of National Guard readiness. In addition to giving our National Guard the tools and equipment they need, this bill also enhances Guard and Reserve family support programs.

In closing, I commend Chairman LEVIN, Senator WARNER, and their staffs for putting together a bill of which we can all be proud. This bill sends the message that we in the Senate remain committed to supporting our troops, both in combat and at home.

Mr. REED. Mr. President, I commend the work of my colleagues on the Armed Services Committee on this important legislation which I hope President Bush will sign into law prior to the start of the fiscal year. In this tremendous time of transition for our military, we owe them a law that will enable the DOD to execute this year's budget efficiently and effectively.

This bill provides a budget that allows the DOD to plan for future threats, combat current threats, and provide for the welfare of our brave veterans both past and future.

It should also be noted that this year's bill and the authorization bills from the preceding 28 years could not have been completed without the statesmanship and the strong bipartisan leadership provided by Senator JOHN WARNER. This will be Senator WARNER's final authorization bill during his nearly 30 years on the Senate Armed Services Committee, on which he also served as chairman and ranking member. In his nearly 60 years of serving our country both in and out of uniform, he has always upheld his commitment to our brave service men and women with the highest standards of honor and integrity

I would first like to point out a few of the highlights of the National Defense Authorization Act currently being considered:

Authorizes a much needed 3.9 percent across-the-board pay raise for the brave men and women of our armed forces. This pay raise is a half percent higher than that requested by President Bush;

Fully funds Army readiness and depot maintenance programs to ensure that forces preparing to deploy are properly trained and equipped;

Authorizes $26.1 billion for the Defense Health Program, which includes

the $1.2 billion necessary to cover the rejection of the administration proposal to raise TRICARE fees;

Requires the Secretaries of Defense and VA to continue the operations of the Senior Oversight Committee to oversee implementation of Wounded Warrior initiatives; and

Fully funds the eight ships requested in the President's budget, including full funding for the third ZUMWALT class destroyer. This ship is critical to maintaining the technical superiority that our Navy has enjoyed on the oceans throughout the world. The future maritime fleet must be adaptable, affordable, survivable, flexible and responsive. The ZUMWALT class provides all of these characteristics as a multimission surface combatant, tailored for land attack and littoral dominance. It will provide independent forward presence, allow for precision naval gun fire support of Joint forces ashore, and through its advanced sensors ensure absolute control of the combat air space. All of this capability is based on today's proven and demonstrated technologies. We cannot build the same ships that we did 20 years ago and hope to defeat tomorrow's emerging threats.

This year I once again had the honor of serving as the chairman of the Emerging Threats Subcommittee. Senator DOLE served as the ranking member of the subcommittee and working together, our subcommittee produced good results in the bill now before the Senate. The Emerging Threats and Capabilities Subcommittee is responsible for looking at new and emerging threats to our security, and considering appropriate steps we should take to develop new capabilities to face these threats.

In preparation for our markup, Senator LEVIN, the distinguished chairman of the committee, provided guidelines for the work of the committee, including the following two items:

Improve the ability of the armed forces to counter nontraditional threats, including terrorism and the proliferation of weapons of mass destruction, and

Promote the transformation of the armed forces to deal with the threats of the 21st century.

In response, our subcommittee recommended initiatives in a number of areas within our jurisdiction. These areas include:

Supporting crucial nonproliferation programs and other efforts to combat Weapons of Mass Destruction (WMD);

Supporting advances in medical research and technology to treat such conditions as traumatic brain injury and post-traumatic stress disorder;

Increasing investments in new energy technologies such as fuel cells, hybrid engines, and alternate fuels to increase military performance and reduce costs;

Increasing investments in advanced manufacturing technologies to strengthen our defense industrial base so that it can rapidly and efficiently produce the materiel needed by our Nation's warfighters; and

Increasing investments in research at our Nation's small businesses, Government labs, and universities so that we have the most innovative minds in our country working to enhance our national security.

Specifically, some notable initiatives in this bill that originated in the Emerging Threats and Capabilities Subcommittee include:

Authorizing more than $120 million in the area of nonproliferation and combating weapons of mass destruction, including $50 million for denuclearization activities in North Korea; $20 million for the Cooperative Threat Reduction program; and more than $50 million for chemical and biological defense programs.

Consolidating funding for the Mixed Oxide, MOX, program in the National Nuclear Security Administration, NNSA, as a nonproliferation activity, rather than as part of the nuclear energy budget as the budget requested.

Clarifying that excess fissile material disposition is an NNSA nonproliferation responsibility.

Establishing a nonproliferation scholarship fund to deal with shortages in technical and other fields such as radiochemistry and nuclear forensics.

Adding $25 million to nonproliferation research & development, R&D, for nuclear forensics and other R&D activities.

Authorizing the Cooperative Threat Reduction Program and providing an additional $10 million for new initiatives outside of the former Soviet Union, $1 million for Russian chemical weapons demilitarization, and $9 million for nuclear weapons storage security in Russia to complete the work under the Bratislava agreement.

The bill also includes a number of legislative provisions that will enhance the Department's ability to procure and use critical defense technologies, such as:

Legislation that would implement recommendations of the National Academy of Sciences to help ensure that the DOD develops and procures printed circuit boards that are trustworthy and reliable for use in defense systems;

Legislation that would implement the recommendations of the Defense Science Board seeking to enhance the Department's ability to ensure that microelectronics procured from commercial sources, including foreign sources, and embedded throughout defense systems are reliable and trustworthy; and

Legislation requiring the development of a joint government-industry battery technology roadmap to ensure that a healthy and innovative defense industrial base for batteries exists in the United States, to support a variety of requirements in military vehicles, computers, and other equipment.

Relative to science and technology funding levels, the bill would increase the Department's investments in innovative science and technology programs by nearly $400 million to over $11.8 billion; and fully support the Secretary of Defense's initiative to increase university defense basic research funding and increase the level by nearly $50 million over the President's request.

In the area of force protection, the bill includes a provision that would increase the amount and quality of testing performed on force protection equipment, such as body armor, helmets, and vehicle armor, before it is deployed to the field, to ensure that our soldiers and marines have the best available equipment and protection.

In order to enhance our ability to combat international terrorist groups, the bill would fully fund the $5.7 billion budget request, and add over $20 million for items to help find and track terrorists, including intelligence, surveillance and reconnaissance packages; extend authorization to the Special Operations Command to train and equip forces supporting or facilitating special operations forces in ongoing military operations, and increase the funding available for this activity; and increase funding for DOD's Regional Defense Combating Terrorism Fellowship.

Concerning counterdrug programs, the bill includes a provision that would extend the authority to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking, and against terrorist organizations involved in such activities. It also includes a provision that would extend the Department's authority to use counterdrug funds to support law enforcement agencies conducting counterterrorist activities.

This is a good bill. The members of the committee and the committee staff have worked many hours to get this bill to the floor. We are a nation at war and the military needs this bill. I urge my colleagues to work together to pass it so that we can conference with the House and send it on to the President for his signature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHICAGO FLOODING

Mr. DURBIN. Mr. President, today President Bush was in Texas to see firsthand the devastation from Hurricane Ike. Unfortunately, this is not the first time, nor will it be the last time, that Mother Nature has shown us her worst. My heart goes out to the millions of displaced residents and evacuees who are anxious to return home, who are without power, who must depend on others for food and water and other necessities, and who face the long hard task of rebuilding their homes and communities.

We know a little of what that is like in Illinois. In June, the Midwest was hit by massive flooding, some of the worst we have seen since the Great Flood of 1993. Experts called it a 200 to 500-year event. It left entire communities underwater, broke levees, and washed away roads, bridges, and millions of acres of cropland. The damage could have been worse, if Illinoisans had not worked so long and so hard to fill sandbags, fortify levees, and stand their ground against the rising waters of the Mississippi.

But sometimes weather-related disasters strike with no warning and you don't have time to prepare for the worst. Over the weekend my State was hit by the sixth major flooding event in the last year alone when 3 days of rain dumped more than 100 billion gallons of water on the city of Chicago—two or three times the normal amount. More than 7 inches of rain fell on the Chicago area on Saturday alone, setting a new 1-day record at O'Hare. In the suburbs, some of the worst flooding was along the Des Plaines River, which crested at near-record levels, displaced thousands of residents, and flooded hundreds of homes.

On Monday I had a chance to see for myself the damage in Albany Park, a neighborhood in Chicago that was one of the hardest hit areas. Thirty-ninth Ward Alderman Margaret Laurino accompanied me as I met with residents like Aaron Gadiel, who waded through knee-high water in his fishing boots and searched his home to see if he could salvage clothing for his kids. I want to commend the local and city officials I saw going door to door with pumps, checking to see if residents needed help, and pitching in wherever they were needed. I especially want to thank Terry O'Brien, president of the Metropolitan Water Reclamation District, and Ray Orozco, executive director of Chicago's Office of Emergency Management and Communications, OEMC, for taking the time to show me the extent of the flood damage.

The same weather system that dumped billions of gallons of rain on Chicago also caused the Mississippi and Illinois Rivers to swell in other parts of Illinois. U.S. Army Corps officials are keeping a close eye on the system of levees and dams that protect these communities to make sure that these residents don't experience a repeat of the June floods.

Today the skies are clearing over Chicago. Water levels are falling, roads are reopening and some folks are returning home. But the recordbreaking rains that evacuated thousands, left four dead, closed roads and flooded homes have left more than a watermark. As Des Plaines Mayor Tony Arredia rightly pointed out, we still have cleaning up to do. I am committed to making sure that Illinoisans do not face this task alone.

TRIBUTE TO SECOND LIEUTENANT HOWARD CLIFTON ENOCH, JR.

Mr. McCONNELL. Mr. President, I rise today because after more than 60 years, a Kentucky family has been reunited with a father and grandfather they never knew. And an American hero is coming home.

Second Lieutenant Howard Clifton Enoch, Jr., U.S. Army Air Forces, was last seen on March 19, 1945, when he took off in his P–51D Mustang single-seat fighter plane for a mission over Germany. He crashed while engaging enemy aircraft near the city of Leipzig.

His remains could not be immediately recovered, and once Soviet forces took over the part of that country that would become East Germany—including the area around Leipzig recovery became impossible for decades.

Howard Enoch III was born 3 months after his father's plane crashed. He grew up in Marion, KY, never knowing his namesake. Now, thanks to the work of some dedicated men and women in the Department of Defense, his father's remains have been identified.

A German researcher originally identified the crash site, and notified our Government. The Joint POW/MIA Accounting Command, the arm of the Department of Defense charged with recovering the remains of our lost heroes, sent a recovery crew to Germany. They used mitochondrial DNA analysis to identify the remains, and in 2007 they contacted Howard Enoch III with the astonishing news.

Howard Enoch III's two young daughters gained new insight into their grandfather. And the discovery brought Howard in touch with a cousin he never knew, who had served alongside Second Lieutenant Enoch in Europe in World War II.

Now Second Lieutenant Enoch will be buried at Arlington National Cemetery, alongside America's greatest heroes. And the Enoch family can know that after valiant service to his country, six decades later, a soldier will finally rest in peace. I wish to offer my deepest appreciation to Howard Enoch III for his father's service and his family's sacrifice on behalf of our country.

Earlier this month, the Bluegrass Chapter of Honor Flight paid special tribute to Second Lieutenant Enoch at the World War II Memorial in our Nation's Capital. Honor Flight is a nonprofit organization which transports World War II veterans from anywhere in the country to see the memorial, free of charge.

Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our Nation by allowing these veterans to make this important trip. Second Lieutenant Enoch never got a chance to visit the World War II Memorial. But it was built for him, and his thousands of fellow soldiers. So I am glad that 63 years later, Honor Flight has recognized his service.

For a long time, the Enoch family has felt not only the loss of Second Lieutenant Enoch, but also doubt about his final fate. I am pleased for them that that doubt is over. They can take comfort that 2LT Howard Clifton Enoch, Jr. will lie among Arlington's heroes. And they can take pride that this U.S. Senate honors his service and his sacrifice.

REPORT ON THE TOMB OF THE UNKNOWNS

Mr. AKAKA. Mr. President, I am pleased to share a report with our colleagues, which I received last month from the Departments of the Army and Veterans Affairs. The report addresses the Army's and VA's plans for repairing and preserving the Tomb Monument at the Tomb of the Unknowns. As many of our colleagues may know and appreciate, the Tomb is a national monument of great historical significance, especially to our Nation's veterans, located on the hallowed ground of Arlington National Cemetery.

The Tomb Monument, which sits above the tombs for the unknowns from World War I, World War II, and the Korean conflict, has developed several cracks along the natural faults in the marble. For some time, there has been discussion of possibly replacing the original monument. However, prior to taking this option, I wanted to ensure that at the very least decision-makers considered options for preserving, rather than replacing the monument. While I understand the concerns about the cracks in the Tomb Monument, I along with many others believe that our national monuments are not diminished by signs of their age. Many of our most treasured American symbols, from the Liberty Bell to the Star-Spangled Banner, are physically worn and weathered. This does not diminish their value or significance. I would argue that the same is true for the Tomb of the Unknowns.

It is our Nation's tradition to preserve our historic national symbols. We must protect them from the notion that they can be easily discarded or replaced. With those concerns in mind, my colleague from Virginia, Senator WEBB, and I successfully added language requiring a report on plans for the Tomb Monument to last year's National Defense Authorization Act. The joint report acknowledges that replacement of the Tomb Monument could have a negative impact on the historic significance of the Tomb of the Unknowns.

I am pleased that the joint report outlined several alternatives to replacing the Tomb Monument. I urge the Departments, in their respective capacities, to pursue the best means of preserving the Tomb Monument for future generations of veterans and Americans. While the Departments may have to consider partial or full replacement of the Tomb Monument at some future date, at this time there are still a number of other options which should be pursued.

Mr. President, I ask unanimous consent that letters and the Executive Summary of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington, DC, August 11, 2008.

Hon. RICHARD B. CHENEY,
President of the Senate,
U.S. Capitol, Washington, DC.

DEAR MR. PRESIDENT: In accordance with Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, enclosed is a report on alternative measures to address cracks in the monument at the Tomb of the Unknowns at Arlington National Cemetery (ANC). The report contains information about the monument in response to the provisions in subsection 2873(a) with respect to (1) plans considered for replacement and disposal; (2) the feasibility and advisability of repair; (3) current maintenance and preservation efforts; (4) an explanation of why no repair attempt has been made since 1989; (5) comprehensive cost estimates for replacement and repair; and (6) assessment of its structural integrity.

Options for addressing the cracks are described in the report. A decision on a final course of action will not be made until our responsibilities are fulfilled under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. Also, subsection 2873(b) states that ''[t]he Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent undertaking repair of the monument or acquiring marble for the repair, subject to the availability of appropriations. Accordingly, while long-term options continue to be explored, experts in the field of marble maintenance and conservation are being consulted to assist ANC in the development and implementation of a maintenance and repair plan to ensure that the existing marble is appropriately protected.

In accordance with a 2004 Memorandum of Understanding between the Department of the Army and the Department of Veterans Affairs (VA), the role of VA is limited to procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument, should ANC determine that replacement is required. VA has no role in determining whether the Monument should be replaced, or in its maintenance and repair.

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 consideration of the Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.,
Assistant Secretary of the Army (Civil Works).

WILLIAM F. TUERK,
Under Secretary for Memorial Affairs,
Department of Veterans Affairs.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington, DC, August 11, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MADAM SPEAKER: In accordance with Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, enclosed is a report on alternative measures to address cracks in the monument at the Tomb of the Unknowns at Arlington National Cemetery (ANC). The report contains information about the monument in response to the provisions in subsection 2873 (a) with respect to (1) plans considered for replacement and disposal; (2) the feasibility and advisability of repair; (3) current maintenance and preservation efforts; (4) an explanation of why no repair attempt has been made since 1989; (5) comprehensive cost estimates for replacement and repair; and (6) assessment of its structural integrity.

Options for addressing the cracks are described in the report. A decision on a final course of action will not be made until our responsibilities are fulfilled under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. Also, subsection 2873(b) states that ''[t]he Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent undertaking repair of the monument or acquiring marble for the repair, subject to the availability of appropriations. Accordingly, while long-term options continue to be explored, experts in the field of marble maintenance and conservation are being consulted to assist ANC in the development and implementation of a maintenance and repair plan to ensure that the existing marble is appropriately protected.

In accordance with a 2004 Memorandum of Understanding between the Department of the Army and the Department of Veterans Affairs (VA), the role of VA is limited to procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument, should ANC determine that replacement is required. VA has no role in determining whether the Monument should be replaced, or in its maintenance and repair.

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 consideration of the Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.,
Assistant Secretary of the Army (Civil Works).

WILLIAM F. TUERK,
Under Secretary for Memorial Affairs, Department of Veterans Affairs.

REPORT ON ALTERNATIVE MEASURES TO ADDRESS CRACKS IN THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA

EXECUTIVE SUMMARY

Alternative measures are being explored to address cracks in the Tomb of the Unknowns Monument at Arlington National Cemetery (ANC). The Tomb Monument is the four-piece marble object located over the vault containing the remains of the World War I Unknown, and is a component of the Tomb of the Unknowns. Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181 (Act), directed the Secretary of the Army and the Secretary of Veterans Affairs to submit a joint report to Congress on plans to address the cracks with respect to (1) replacing the Monument and its disposal, if it were removed; (2) an assessment of the feasibility and advisability of repairing the Monument rather than replacing it; (3) a description of current efforts to maintain and preserve the Monument; (4) an explanation of why no attempt has been made since 1989 to repair it; (5) comprehensive estimates of the cost of replacement and the cost of repair; and (6) an assessment of its structural integrity.

In 1963, ANC initiated a program of monitoring and investigation of the Monument in response to the development of two parallel cracks in its main block. The cracks, which now measure nearly 48 feet in combined length, appear on all four sides of the Monument and extend almost entirely through the block. According to stone conservation experts, the cracks are not compromising the structural integrity of the stone and are repairable. ANC repaired the cracks twice, once in 1975, and again in 1989, and is now in the process of initiating another repair of the Monument. The results of studies and monitoring of the Monument over the past four decades confirm that, despite repairs, the cracks continue to lengthen and widen, which is perhaps a natural phenomenon of the material. Since 1990, a third crack has become visible, whose origins are uncertain. The Monument can be repaired again, but its condition will continue to deteriorate. Although it is not known when the Monument will reach the point of being beyond repair, the natural aging process that weathers and cracks outdoor marble makes it likely that it will need to be replaced at some point in the future. The cracking and minor erosion of the Monument have led ANC to consider various treatment options, including repairing the cracks, obtaining and stockpiling marble for future replacement of the monument, and the immediate replacement of its cap, die block, and base.

The impetus to consider various treatment options for the Monument is the culmination of over 40 years of deliberation, starting with the first report on the cracks in the early 1960s, and continuing through the two previous repairs. In evaluating whether to continue to maintain and repair the Monument or replace it, ANC is giving full consideration to its historic significance. ANC recognizes the associative qualities that link the Monument to World War I and its veterans. ANC also realizes that the Tomb of the Unknowns has come to memorialize all of the service men and women that have sacrificed their lives for this country in subsequent military conflicts that continue today. In this regard, the Tomb of the Unknowns has significance, beyond its historic significance, that transcends the past and present to the future. As its steward, ANC is responsible to do what it can to ensure that the Monument stands, as unflawed and perfect as possible, in honor of the sacrifices that it represents.

To preserve the solemn dignity of the Monument for those that it honors and for

future generations of Americans, ANC is considering alternative actions that could be taken. Repair of the Monument is a viable alternative, as verified by experts in the field of stone conservation. Replacement is another alternative under consideration, due to the uncertainty of obtaining suitable marble in the future. Only marble with specific qualities can be used for replacement, so the current and future existence and availability of such marble is of concern. Suitable marble is available today, but may not be in the future, and there will never be a greater quantity of suitable marble in the future than there is now. It is primarily for this reason that ANC is considering replacement of the Monument as one potential long-term solution.

There is more information in this report on the potential replacement option than there is for other options, because the replacement option is much more complex than the other options under consideration. Also, the potential replacement option has undergone the most scrutiny through the Section 106 review process. The preponderance of information on replacement should not be construed as favoring this option over the other options under consideration.

In response to ANC's request to provide a Tomb Monument replacement, the Department of Veterans Affairs (VA) entered into a Memorandum of Understanding (MOU) with the Department of the Army in 2004 that outlines respective responsibilities. VA will be responsible for the procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument when and if Army decides replacement is necessary. Both agencies have compliance requirements under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act (NEPA). No decision on a final course of action will be made until both agencies fulfill their respective responsibilities under both of these laws.

Furthermore, subsection 2873(b) of the Act states that ''The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent the repair of the current Monument or the acquisition of blocks of marble. Accordingly, while long-term options such as continued repair, procurement of replacement marble, and immediate replacement continue to be explored, ANC is working with experts in the field of marble maintenance and conservation to develop and implement a maintenance and repair plan to ensure that the existing marble is appropriately protected. ANC will take no action to acquire replacement blocks of marble until after Section 106 and NEPA requirements are complete.

STATEMENT OF MANAGERS—S. 3406

Mr. HARKIN. Mr. President, I ask unanimous consent that this Statement of Managers to S. 3406 be reprinted in the RECORD with its endnotes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS TO ACCOMPANY S. 3406, THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008

Contents:

I. Purpose and Summary of the Legislation
II. Background and Need for Legislation
III. Legislative History and Committee Action
IV. Explanation of the Bill and Committee Views
V. Application of the Law to the Legislative Branch
VI. Regulatory Impact Statement
VII. Section-by-Section Analysis

I. PURPOSE AND SUMMARY OF THE LEGISLATION

The purpose of S. 3406, the ''ADA Amendments Act of 2008'' is to clarify the intention and enhance the protections of the Americans with Disabilities Act of 1990, landmark civil rights legislation that provided ''a clear and comprehensive national mandate for the elimination of discrimination on the basis of disability.''[1] In particular, the ADA Amendments Act amends the definition of disability by providing clarification and instruction about the terminology used in the definition, by expanding the definition, and by rejecting several opinions of the United States Supreme Court that have had the effect of restricting the meaning and application of the definition of disability.

S. 3406 is the product of an extensive bipartisan effort that included many hours of meetings and negotiation by legislative staff as well as by stakeholders including the disability, business, and education communities. In addition, two hearings were held in the Senate Health, Education, Labor, and Pensions Committee to explore the issues addressed in this legislation. The goal has been to achieve the ADA's legislative objectives in a way that maximizes bipartisan consensus and minimizes unintended consequences.

This legislation amends the Americans with Disabilities Act of 1990 by making the changes identified below.

Aligning the construction of the Americans with Disabilities Act with Title VII of the Civil Rights Act of 1964, The bill amends Title I of the ADA to provide that no covered entity shall discriminate against a qualified individual ''on the basis of disability.''

The bill maintains the ADA's inherently functional definition of disability as a physical or mental impairment that substantially limits one or more life activities; a record of such impairment; or being regarded as having such an impairment. It clarifies and expands the definition's meaning and application in the following ways.

First, the bill deletes two findings in the ADA which led the Supreme Court to unduly restrict the meaning and application of the definition of disability. These findings are that there are ''some 43,000,000 Americans have one or more physical or mental disabilities'' and that ''individuals with disabilities are a discrete and insular minority.'' The Court treated these findings as limitations on how it construed other provisions of the ADA. This conclusion had the effect of interfering with previous judicial precedents holding that, like other civil rights statutes, the ADA must be construed broadly to effectuate its remedial purpose. Deleting these findings removes this barrier to construing and applying the definition of disability more generously.

Second, the bill affirmatively provides that the definition of disability ''shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.''[2] It retains the term ''substantially limits'' from the original ADA definition but makes it clear that this is intended to be a less demanding standard than that enunciated by the U.S. Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams.[3] With this rule of construction and relevant purpose language, the bill rejects the Supreme Court's holding in Toyota v. Williams that the terms ''substantially'' and ''major'' in the definition of disability must be ''be interpreted strictly to create a demanding standard for qualifying as disabled,''[4] as well as the Court's interpretation that ''substantially limits'' means ''prevents or severely restricts.''[5]

Third, the bill prohibits consideration of mitigating measures such as medication, assistive technology, accommodations, or modifications when determining whether an impairment constitutes a disability. This provision and relevant purpose language rejects the Supreme Court's holdings in Sutton v. United Air Lines[6] and its companion cases[7] that mitigating measures must be considered.[8] The bill also provides that impairments that are episodic or in remission are to be assessed in an active state.

Fourth, the bill provides new instruction on what may constitute ''major life activities.'' It provides a non-exhaustive list of major life activities within the meaning of the ADA. In addition, the bill expands the category of major life activities to include the operation of major bodily functions.

Fifth, the bill removes from the third ''regarded as'' prong of the disability definition the requirement that an individual demonstrate that he or she has, or is perceived to have, an impairment that substantially limits a major life activity. Under the bill, therefore, an individual can establish coverage under the law by showing that he or she has been subjected to an action prohibited under the Act because of an actual or perceived physical or mental impairment. Because the bill thus broadens application of this third prong of the disability definition, entities covered by the ADA will not be required to provide accommodations or to modify policies and procedures for individuals who fall solely under the third prong. Such entities will, however, still be subject to discrimination claims.

Finally, the bill clarifies that the agencies that currently issue regulations under the ADA have regulatory authority related to the definitions contained in Section 3. Conforming amendments to Section 7 of the Rehabilitation Act of 1973 are intended to ensure harmony between federal civil rights laws.

II. BACKGROUND AND NEED FOR LEGISLATION

When Congress passed the ADA in 1990, it adopted the functional definition of disability from the Section 504 of the Rehabilitation Act of 1973,[9] in part, because after 17 years of development through case law the requirements of the definition were well understood. Within this framework, with its generous and inclusive definition of disability, courts treated the determination of disability as a threshold issue but focused primarily on whether unlawful discrimination had occurred.

More recent Supreme Court decisions imposing a stricter standard for determining disability had the effect of upsetting this balance. After the Court's decisions in Sutton that impairments must be considered in their mitigated state and in Toyota that there must be a demanding standard for qualifying as disabled, lower courts more often found that an individual's impairment did not constitute a disability. As a result, in too many cases, courts would never reach the question whether discrimination had occurred.

Thus, some 18 years later we are faced with a situation in which physical or mental impairments that would previously have been

found to constitute disabilities are not considered disabilities under the Supreme Court's narrower standard. These can include individuals with impairments such as amputation, intellectual disabilities, epilepsy, multiple sclerosis, diabetes, muscular dystrophy, and cancer. The resulting court decisions contribute to a legal environment in which individuals must demonstrate an inappropriately high degree of functional limitation in order to be protected from discrimination under the ADA.

The ADA Amendments Act rejects the high burden required in these cases and reiterates that Congress intends that the scope of the Americans with Disabilities Act be broad and inclusive. It is the intent of the legislation to establish a degree of functional limitation required for an impairment to constitute a disability that is consistent with what Congress originally intended, a degree that is lower than what the courts have construed it to be. In addition, the bill provides for application of this standard to a wider range of cases by expanding the category of major life activities. These steps, resulting from extensive bipartisan negotiation and discussion among legislators and stakeholders, are intended to provide for more generous coverage and application of the ADA's prohibition on discrimination through a framework that is more predictable, consistent, and workable for all entities subject to responsibilities under the ADA.

III. Explanation of the Bill and Manager's Views

OVERVIEW

The Americans with Disabilities Act of 1990 (''the ADA'') is a landmark statute that has fundamentally changed the lives of many millions of Americans with disabilities. The managers of this legislation were proud to be leaders in that effort that was accomplished in a deliberative careful manner that allowed for the development of a strong bipartisan coalition in both Houses of Congress and the Administration of President George H. W. Bush and led to Senate passage with a definitive vote of 91–6.

However, as discussed in more detail below, a series of Court decisions have restricted the coverage and diminished the civil rights protections of the ADA, especially in the workplace, by narrowing its definition of disability. As a result, lower court cases have too often turned solely on the question of whether the plaintiff is an individual with a disability rather than the merits of discrimination claims, such as whether adverse decisions were impermissibly made by the employer on the basis of disability, reasonable accommodations were denied inappropriately, or qualification standards were unlawfully discriminatory.

The managers have introduced the ADA Amendments Act of 2008 to restore the proper balance and application of the ADA by clarifying and broadening the definition of disability, and to increase eligibility for the protections of the ADA. It is our expectation that because this bill makes the definition of disability more generous, some people who were not covered before will now be covered. The strong bipartisan support for this legislation once again demonstrates the continuing bipartisan commitment to protecting the civil rights of individuals with disabilities among members of the Senate Committee on Health Education Labor and Pensions and the Senate as a whole.

The ADA Amendments Act renews our commitment to ensuring that all Americans with disabilities, including a new generation of disabled veterans who are just beginning to grapple with the challenge of living to their full potential despite the limitations imposed by their disabilities, are able to participate to the fullest possible extent in all facets of society, including the workplace. We acknowledge and applaud the substantial improvements in medical science and the courageous efforts of individuals with disabilities to overcome the impact of those disabilities, but in no way wish to exclude them thereby from protection under the ADA.

By retaining the essential elements of the definition of disability including the key term ''substantially limits'' we reaffirm that not every individual with a physical or mental impairment is covered by the first prong of the definition of disability in the ADA. An impairment that does not substantially limit a major life activity is not a disability under this prong. That will not change after enactment of the ADA Amendments Act, nor will the necessity of making this determination on an individual basis. What will change is the standard required for making this determination. This bill lowers the standard for determining whether an impairment constitute a disability and reaffirms the intent of Congress that the definition of disability in the ADA is to be interpreted broadly and inclusively.[10]

FINDINGS AND PURPOSES

Given the importance the Court has placed upon findings and purposes particularly in civil rights statutes like the ADA, the ADA Amendments Act contains a detailed Findings and Purposes section that the managers believe gives clear guidance to the courts and that they intend to be applied appropriately and consistently. As described above, the legislation deletes two findings in the ADA that have been interpreted by the Supreme Court to require a narrow definition of disability. We continue to believe that individuals with disabilities ''have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.''[11]

In addition to deleting the findings forming the basis of the Sutton and Toyota decisions, the bill states explicitly its purpose to reject the holdings in those cases (and their progeny), and to ensure broad coverage under the ADA. To be clear, the purposes section conveys our intent to clarify not only that ''substantially limits'' should be measured by a lower standard than that used in Toyota,[12] but also that the definition of disability should not be unduly used as a tool for excluding individuals from the ADA's protections.

The bill expresses the clear intent of Congress that the EEOC will revise its regulations that similarly improperly define the term ''substantially limits'' as ''significantly restricted''; again, this sets too high a standard.

The bill's purposes also reject the Supreme Court's holding that mitigating measures must be considered when determining whether an impairment constitutes a disability. With the exception of ordinary eyeglasses and contact lenses, impairments must be examined in their unmitigated state.

These purposes are specifically incorporated into the statute by the rule of construction providing that the term ''substantially limits'' shall be construed consistently with the findings and purposes of the ADA Amendments Act of 2008. This rule of construction, together with the rule of construction providing that the definition of disability shall be construed in favor of broad coverage of individuals sends a clear signal of our intent that the courts must interpret the definition of disability broadly rather than stringently.

DEFINITION OF DISABILITY

In the ADA of 1990, Congress sought to protect anyone who experiences discrimination because of a current, past, or perceived disability. Under the ADA, there are three prongs of the definition of disability, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment.

This definition is of critical importance because as a threshold issue it determines whether an individual is covered by the ADA. The ADA Amendments Act retains the definition of disability but further defines and clarifies three critical terms within the existing definition (''substantially limits,'' ''major life activities,'' ''regarded as having such impairment'') and, under the rules of construction for the definition, adds several standards that must be applied when considering the definition of disability.

Physical or mental impairment

The bill does not provide a definition for the terms ''physical impairment'' or ''mental impairment.'' The managers expect that the current regulatory definition of these terms, as promulgated by agencies such as the U.S. Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ) and the Department of Education Office of Civil Rights (DOE OCR) will not change.[13]

Substantially limits

We do not believe that the courts have correctly instituted the level of coverage we intended to establish with the term ''substantially limits'' in the ADA. In particular, we believe that the level of limitation, and the intensity of focus, applied by the Supreme Court in Toyota goes beyond what we believe is the appropriate standard to create coverage under this law.

We have extensively deliberated with regard to whether a new term, other than the term ''substantially limits'' should be used in this Act. For example, in its ADA Amendments Act, H.R.3195, the House of Representatives attempted to accomplish this goal by stating that the key phrase ''substantially limits'' means ''materially restricts'' in order to convey that Congress intended to depart from the strict and demanding standard applied by the Supreme Court in Sutton and Toyota.[14]

We have concluded that adopting a new, undefined term that is subject to widely disparate meanings is not the best way to achieve the goal of ensuring consistent and appropriately broad coverage under this Act. The resulting need for further judicial scrutiny and construction will not help move the focus from the threshold issue of disability to the primary issue of discrimination.

We believe that a better way is to express our disapproval of Sutton and Toyota (along with the current EEOC regulation) is to retain the words ''substantially limits,'' but clarify that it is not meant to be a demanding standard. In addition, we believe eliminating the source of the Supreme Court's decisions narrowing the definition and providing more appropriate findings and purposes for properly construing that definition will accomplish our goal without introducing novel statutory terms.

We believe that the manner in which we understood the intended scope of ''substantially limits'' in 1990 continues to capture our sense of the appropriate level of coverage

under this law for purposes of placing on employers and other covered entities the obligation of providing reasonable accommodations and modifications to individuals with impairments. As we described this in our committee report to the original ADA in 1989:

''A person is considered an individual with a disability for purposes of the first prong of the definition when [one or more of] the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. A person who can walk for 10 miles continuously is not substantially limited in walking merely because on the eleventh mile, he or she begins to experience pain because most people would not be able to walk eleven miles without experiencing some discomfort.'' S. Rep. No. 101–116, at 23 (1989).

We particularly believe that this test, which articulated an analysis that considered whether a person's activities are limited in condition, duration and manner, is a useful one. We reiterate that using the correct standard—one that is lower than the strict or demanding standard created by the Supreme Court in Toyota—will make the disability determination an appropriate threshold issue but not an onerous burden for those seeking accommodations or modifications. At the same time, plaintiffs should not be constrained from offering evidence needed to establish that their impairment is substantially limiting.[15]

Thus, we believe that the term ''substantially limits'' as construed consistently with the findings and purposes of this legislation establishes an appropriate functionality test for determining whether an individual has a disability.

Major life activities

The bill provides significant new guidance and clarification on the subject of major life activities. First, a rule of construction clarifies that that an impairment need only substantially limit one major life activity to be considered a disability under the ADA. This responds to and corrects those courts that have required individuals to show that an impairment substantially limits more than one life activity. It is additionally intended to clarify that the ability to perform one or more particular tasks within a broad category of activities does not preclude coverage under the ADA.[16]

For purposes of clarity, the bill provides an illustrative list of ''major life activities'' including activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. In addition, for the first time, the category of ''major life activities'' is defined to include the operation of major bodily functions, thus better addressing chronic impairments that can be substantially limiting. Major bodily functions include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.[17]

Both the list of major life activities and major bodily functions are illustrative and non-exhaustive, and the absence of a particular life activity or bodily function from the list does not create a negative implication as to whether such activity or function constitutes a ''major life activity'' under the statute.

Finally, we also want to illuminate one area which may be easily misunderstood, with respect to individuals with specific learning disabilities. When considering the condition, manner, or duration in which an individual with a specific learning disability performs a major life activity, it is critical to reject the assumption that an individual who has performed well academically cannot be substantially limited in activities such as learning, reading, writing, thinking, or speaking.

Rules of construction on the definition of disability

The bill further clarifies the definition of disability with a series of rules of construction. As discussed elsewhere, the rules of construction specifically require that the definition of disability be interpreted broadly and that the term ''substantially limits'' be interpreted consistent with this legislation. This construction is also intended to reinforce the general rule that civil rights statutes must be broadly construed to achieve their remedial purpose. In addition, the rules of construction provide that impairments that are episodic or in remission be assessed in their active state for purposes of determining coverage under the ADA.

Mitigating measures

The bill also prohibits consideration of the ameliorative effects of mitigating measures when determining whether an individual's impairment substantially limits major life activities, overturning the Supreme Court's decision in Sutton and its companion cases. This provision is intended to eliminate the situation created under current law in which impairments that are mitigated do not constitute disabilities but are the basis for discrimination. We expect that when such mitigating measures are ignored, some individuals previously found not disabled will now be able to claim the ADA's protection against discrimination.

The legislation provides an illustrative but non-comprehensive list of the types of mitigating measures that are not to be considered. This list also includes low vision devices, which are devices that magnify, enhance, or otherwise augment a visual image, such as magnifiers, closed circuit television, larger-print items, and instruments that provide voice instructions. The absence of any particular mitigating measure from this list should not convey a negative implication as to whether the measure is a mitigating measure under the ADA.

We also believe that an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received accommodations (including informal or undocumented ones) that have the effect of lessening the deleterious impacts of their disability.

The bill provides one exception to the rule on mitigating measures, specifying that ordinary eyeglasses and contact lenses are to be considered in determining whether a person has a disability. The rationale behind this exception is that the use of ordinary eyeglasses or contact lenses, without more, is not significant enough to warrant protection under the ADA. Nevertheless, if an applicant or employee is faced with a qualification standard that requires uncorrected vision (as the sisters in the Sutton case were), an employer will be required to demonstrate that the qualification standard is job-related and consistent with business necessity.

Regarded as

Under this bill, the third prong of the disability definition will apply to impairments, not only to disabilities. As such, it does not require a functional test to determine whether an impairment substantially limits a major life activity.

This section of the definition of disability was meant to express our understanding that unfounded concerns, mistaken beliefs, fears, myths, or prejudice about disabilities are often just as disabling as actual impairments, and our corresponding desire to prohibit discrimination founded on such perceptions. In 1990 we relied extensively on the reasoning of School Board of Nassau County v. Arline[18] that the negative reactions of others are just as disabling as the actual impact of an impairment. This legislation restates our reliance on the broad views enunciated in that decision and we believe that courts should continue to rely on this standard.

We intend and believe that the fact that an individual was discriminated against because of a perceived or actual impairment is sufficient. Thus, the bill clarifies that contrary to Sutton, an individual who is ''regarded as having such an impairment'' is not subject to a functional test. If an individual establishes that he or she was subjected to an action prohibited by the ADA because of an actual or perceived impairment—whether the person actually has the impairment or whether the impairment constitutes a disability—then the individual will qualify for protection under the Act.

This provision is subject to two important limitations. First, individuals with impairments that are transitory and minor are excluded from eligibility for the protections of the ADA under this prong of the definition, and second, the bill relieves entities covered under the ADA from the obligation and responsibility to provide reasonable accommodations and reasonable modifications to an individual who qualifies for coverage under the ADA solely by being ''regarded as'' disabled.

Transitory and minor

The bill contains an exception that clarifies that coverage for individuals under the ''regarded as'' prong is not available where an individual's impairment is both transitory (six months or less) and minor. Providing this exception responds to concerns raised by employer organizations and is reasonable under the ''regarded as'' prong of the definition because individuals seeking coverage under this prong need not meet the functional limitation requirement contained in the first two prongs of the definition. A similar exception for the first two prongs of the definition is unnecessary as the functional limitation requirement already excludes claims by individuals with ailments that are minor and short term.

Accommodations

The bill establishes that entities covered under the ADA do not need to provide reasonable accommodations under Title I or modify policies, practices, or procedures under Titles II or III when an individual qualifies for coverage under the ADA solely by being ''regarded as'' having a disability under the third prong of the definition of disability.

Under current law, a number of courts have required employers to provide reasonable accommodations for individuals who are covered solely under the ''regarded as'' prong.[19] In each of those cases, the plaintiffs were found not to be covered under the first prong of the definition of disability because of the overly stringent manner in which the courts had been interpreting that prong. Because of our strong belief that accommodating individuals with disabilities is a key goal of the ADA, some members continue to have reservations about this provision. However, we believe it is an acceptable compromise given our strong expectation that such individuals would now be covered under the first prong of the definition, properly applied.

DISCRIMINATION ON THE BASIS OF DISABILITY

The bill amends Section 102 of the ADA to mirror the structure of nondiscrimination protection provision in Title VII of the Civil Rights Act of 1964. It changes the language from prohibiting discrimination against a qualified individual ''with a disability because of the disability of such individual'' to prohibiting discrimination against a qualified individual ''on the basis of disability.'' This ensures that the emphasis in questions of disability discrimination is properly on the critical inquiry of whether a qualified person has been discriminated against on the basis of disability, and not unduly focused on the preliminary question of whether a particular person is a ''person with a disability.''

RULES OF CONSTRUCTION

Benefits under state worker's compensation laws

The bill provides that nothing in the Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other Federal or State disability benefit programs.

Fundamental alteration

The bill reiterates that no changes are being made to the underlying ADA provision that no accommodations or modifications in policies are required when a covered entity can demonstrate that making such modifications would fundamentally alter the nature of the service being provided. This provision was included at the request of the higher education community and specifically includes ''academic requirements in postsecondary education'' among the types of policies, practices, and procedures that may be shown to be fundamentally altered by the requested modification or accommodation to reaffirm current law. It is included solely to provide assurances that the bill does not alter current law with regard to the obligations of academic institutions under the ADA, which we believe is already demonstrated in case law on this topic. Specifically, the reference to academic standards in postsecondary education is unrelated to the purpose of this legislation and should be given no meaning in interpreting the definition of disability.

Claims of no disability

The bill prohibits reverse discrimination claims by disallowing claims based on the lack of disability, (e.g., a claim by someone without a disability that someone with a disability was treated more favorably by, for example, being granted a reasonable accommodation or modification to services or programs). Our intent is to clarify that a person without a disability does not have the right under the Act to bring an action against an entity on the grounds that he or she was discriminated against ''on the basis of disability'' (i.e., on the basis of not having a disability).

REGULATORY AUTHORITY

In Sutton, the Supreme Court stated that ''[n]o agency . . . has been given authority to issue regulations implementing the generally applicable provisions of the ADA which fall outside Titles I–V.''[20] The bill clarifies that the authority to issue regulations is granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation and specifically includes the authority to issue regulations implementing the definition of disability as amended and clarified by this legislation.

We anticipate that the agencies charged with regulatory authority under the ADA will make any necessary modifications to their regulations to reflect the changes and clarifications embodied in the ADA Amendments Act, including the addition of major bodily functions as major life activities and the broadening of the ''regarded as'' prong. We also expect that the Equal Employment Opportunity Commission (EEOC) will revise the portion of its ADA regulations that defines ''substantially limits'' as ''unable to perform a major life activity. . . . or significantly restricted as to . . . particular major life activity. . . .'' given the clear inconsistency of that portion of the regulation with the intent of this legislation.

CONFORMING AMENDMENT

The bill ensures that the definition of disability in Section 7 of the Rehabilitation Act of 1973, which shares the same definition, is consistent with the ADA. The Rehabilitation Act of 1973 preceded the ADA in providing civil rights protections to individuals with disabilities, and in drafting the definition of disability in the ADA, the authors relied on the statute and implementing regulations of the Rehabilitation Act. Maintaining uniform definitions in the two federal statutes is important so that such entities will generally operate under one consistent standard, and the civil rights of individuals with disabilities will be protected in all settings. The ADA, under Title II and Title III, and Section 504 of the Rehabilitation Act provide overlapping coverage for many entities, including public schools, institutions of higher education, childcare facilities, and other entities receiving federal funds.

We expect that the Secretary of Education will promulgate new regulations related to the definition of disability to be consistent with those issued by the Attorney General under this Act. We believe that other current regulations issued by the Department of Education Office of Civil Rights under Section 504 of the Rehabilitation Act are currently harmonious with Congressional intent under both the ADA and the Rehabilitation Act.

CONCLUSION

We intend that that the sum of these changes will make the threshold definition of disability in the ADA—under which individuals qualify for protection from discrimination—more generous, and will result in the coverage of some individuals who were previously excluded from those protections.

We note that with the changes made by the ADA Amendments Act, courts will have to address whether an impairment constitutes a disability under the first and second, but not the third, prong of the definition of disability. The functional limitation imposed by an impairment is irrelevant to the third ''regarded as'' prong.

In general, individuals may find it easier to establish disability under this bill's more generous standard than under the Supreme Court's demanding standard. To repeat, we intend this bill to return the legal analysis to the balance that existed before the Supreme Court's Sutton and Toyota decisions. The determination of disability is a necessary threshold issue in many cases, but an appropriately generous standard on that issue will allow courts to focus primarily on whether discrimination has occurred or accommodations improperly refused.[21]

IV. LEGISLATIVE HISTORY AND COMMITTEE ACTION

Prior to introduction of the ADA Amendments Act of 2008 on July 31, 2008 with 55 original cosponsors the following actions occurred in the 110th Congress.

On July 26, 2007, Senator Tom Harkin introduced S. 1881, the ADA Restoration Act of 2007 together with Senator Arlen Specter. Senator Edward Kennedy, the Chairman of the Senate Heath, Education, Labor, and Pensions Committee cosponsored the legislation along with Senator Ted Stevens. The bill was referred to the Senate Health, Education, Labor, and Pensions Committee.

Similarly, on July 26, 2007, Representatives Steny H. Hoyer (D–MD) and F. James Sensenbrenner (R–WI) introduced H.R. 3195, the ADA Restoration Act of 2007, with 144 original cosponsors. The bill was referred to the House Committees on Education and Labor, Judiciary, Transportation and Infrastructure, and Energy and Commerce.

On October 4, 2007, the House Judiciary Committee held a hearing on H.R. 3195. Six witnesses appeared before the committee: Honorable Steny Hoyer (D–MD), House Majority Leader; Cheryl Sensenbrenner, Chair of the Board, American Association of People with Disabilities; Stephen Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart); Michael Collins, Executive Director, National Council on Disability; Lawrence Lorber, Attorney, on behalf of the U.S. Chamber of Commerce; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On November 15, 2007, the Senate HELP Committee held a hearing chaired by Senator Tom Harkin, ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act.'' Five witnesses appeared before the committee: John D. Kemp, President, United States International Council on Disabilities; Dick Thornburgh, Former United States Attorney General and Counsel, Kirkpatrick & Lockhart; Stephen Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart), Camille Olson, Labor and Employment Attorney, Seyfarth & Shaw; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On January 29, 2008, the House Committee on Education and Labor held a hearing on H.R. 3195. Five witnesses appeared before the committee: Honorable Steny Hoyer (D–MD), House Majority Leader; Andrew Imparato, President and CEO, American Association of People with Disabilities; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); Robert L. Burgdorf, Professor of Law, University of the District of Columbia; David K. Fram, Director, ADA & EEO Services, National Employment Law Institute.

On June 18, 2008, the House Committee on Education and Labor held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 43 to 1.

On June 18, 2008, the Committee on the Judiciary held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 27 to 0.

On June 25, 2008 the United States House of Representatives held a vote on H.R. 3195 and passed the legislation by a vote of 402–17.

On July 15, 2008, the Senate HELP Committee held a Roundtable: ''H.R. 3195 and Determining the Proper Scope of Coverage for the Americans with Disabilities Act.'' Eight individuals gave testimony before the committee: Samuel R. Bagenstos, Professor of Law, Washington University School of Law; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); JoAnne Simon, Disability Rights Attorney; Sue Gamm, Elementary and Secondary Education Consultant; Terry Hartle, Senior Vice President, American Council on Education; Chai Feldblum, Professor, Federal Legislation Clinic, Georgetown University Law Center, Washington, DC; Michael Eastman, Executive Director of Labor Policy, U.S. Chamber of Commerce; Andrew Grossman, Senior Legal Policy Analyst, Heritage Foundation.

On July 31, 2008 Senators Tom Harkin and Orrin Hatch introduced S. 3406, The ADA

Amendments Act of 2008. The bill was placed on the Senate calendar (under general orders/pursuant to Rule XVI?).

V. APPLICATION OF THE LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act (CAA), requires a description of the application of this bill to the legislative branch. S. 3604 does not amend any act that applies to the legislative branch.

VI. REGULATORY IMPACT STATEMENT

The managers have determined that the bill may result in some additional paperwork, time, and costs to the Equal Employment Opportunity Commission, which would be entrusted with implementation and enforcement of the act. It is difficult to estimate the volume of additional paperwork necessity by the bill, but the committee does not believe it will be significant. Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

VII. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. This Act may be cited as the ''ADA Amendments Act of 2008.''

Sec. 2. Findings and Purposes. Acknowledges Congressional intent of the Americans with Disabilities Act of 1990 (ADA) to ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and to provide broad coverage, and that the U.S. Supreme Court subsequently erroneously narrowed the definition of disability in a series of cases. The purposes of the Act are to reinstate a broad scope of protection to be available under the ADA, to reject several Supreme Court decisions, and to re-establish original Congressional intent related to the definition of disability.

Sec. 3. Codified Findings. Amends one finding in the ADA to acknowledge that many people with physical or mental impairments have been subjected to discrimination, and strikes one finding related to describing the population of individuals with disabilities as ''a discrete and insular minority.''

Sec. 4. Disability Defined and Rules of Construction. Amends the definition of ''disability'' and provides rules of construction for applying the definition. The term ''disability'' is defined to mean, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.; provides an illustrative list of 'major life activities' including major bodily functions; and defines 'regarded as having such an impairment' as protecting individuals who have been subject to an action prohibited under the ADA because of an actual or perceived impairment, whether or not the impairment is perceived to limit a major life activity. Requires the definition of disability to be construed broadly and consistent with the findings and purposes. Provides rules of construction regarding the definition of disability, requiring that impairments need only limit one major life activity; clarifying an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and prohibiting the consideration of the ameliorative effects of mitigating measures such as medication, learned behavioral modifications, or auxiliary aids or services, in determining whether an impairment is substantially limiting, while excluding ordinary eyeglasses and contact lenses.

Sec. 5. Discrimination on the Basis of Disability. Prohibits discrimination under Title I of the ADA ''on the basis of disability'' rather than ''against a qualified individual with a disability because of the disability of such individual.'' Clarifies that covered entities that use qualification standards based on uncorrected vision must show that such a requirement is job-related and consistent with business necessity.

Sec. 6. Rules of Construction. Provides that nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other disability benefit programs. Prohibits reverse discrimination claims by disallowing claims based on the lack of disability. Provides that nothing in this Act alters the provision in Title III that a modification of policies or practices is not required if it fundamentally alters the nature of the service being provided. Establishes that entities covered under all three titles of the ADA are not required to provide reasonable accommodations or modifications to an individual who meets the definition of disability only as a person ''regarded as having such an impairment.'' Authorizes the EEOC, Attorney General, and the Secretary of Transportation to promulgate regulations implementing the definition of disability and rules of construction related to the definition.

Sec. 7. Conforming Amendments. Amends Section 7 of the Rehabilitation Act of 1973 to cross-reference the definition of disability under the ADA.

Sec. 8. Effective date. Amendments made by the Act take effect January 1, 2009.

September 11, 2008.

TOM HARKIN,
U.S. Senator.
ORRIN HATCH,
U.S. Senator.

ENDNOTES

1. 42 U.S.C. §12101.

2. This rule of construction is consistent with earlier judicial precedents and parallels the rule of construction in the Religious Land Use and Institutionalized Persons Act, which Congress unanimously passed in 2002.

3. *Toyota Motor Manufacturing, Kentucky, Inc.* v. *Williams,* 534 U.S. 184 (2002).

4. Id. at 197.

5. Id. at 198. See also, 29 CFR 1630.2.

6. *Sutton* v. *United Airlines,* 527 U.S. 471 (1999).

7. *Murphy* v. *United Parcel Service, Inc.,* 527 U.S. 516 (1999), *Albertson's, Inc.* v. *Kirkingburg,* 527 U.S. 555 (1999).

8. Ordinary eyeglasses and contact lenses are excluded from this prohibition.

9. 29 U.S.C. §794. Sections 501 and 503 of the Rehabilitation Act also use the same definition of disability and prohibit disability discrimination by federal employees and federal contractors, respectively. 29 U.S.C. §§791, 793. Note that the definition of disability is found in Section 705(20)(B).

10. This bill does not change any current statutory requirement that an individual must be qualified to perform the essential functions of the job.

11. 42 U.S.C. 12101.

12. The bill's purposes include rejecting the holding in *Toyota* that in order for an impairment to be substantially limiting, the impairment must ''prevent or severely restrict the individual from doing activities that are of central importance to most people's lives.''

13. 28 CFR §36.104; 29 CFR §1630.2(h) (1)–(2); 34 CFR §104.3(j)(2)(i).

14. We have chosen not to adopt the House's term ''materially restricts'' or the House Committees' use of a range or spectrum of severity to define ''materially restricts'' because we are concerned both by the lack of clarity in the terms ''material'' ''moderate'' and ''severe'' and because we believe that such terms encourage the courts to engage in an inappropriate level of scrutiny as to the severity of an impairment when determining whether an individual has a disability.

15. Under the first prong, of course, a plaintiff must still provide evidence that that his or her impairment is substantially limiting.

16. See *Holt* v. *Grand Lake Mental Health Center, Inc.,* 443 F. 3d 762 (10th Cir. 2006) holding an individual with cerebral palsy who could not independently perform certain specified manual tasks was not substantially limited in her ability to perform a ''broad range'' of manual tasks.

17. We expect that this illustrative list of major life activities (including major bodily functions), in combination with the rejection of both the ''demanding standard'' in Toyota and the consideration of mitigating measure in the Sutton trilogy will make it easier for individuals to show that they are eligible for the ADA's protections under the first prong of the definition of disability. While it is impossible to predict the type of cases that will be brought following passage of this bill, we would expect that the bill will make it easier for individuals in cases like the following to qualify for the protections of the ADA—*Littleton* v. *Wal-Mart Stores, Inc,* 231 Fed. Appx. 874 (11th Cir. 2007) (individual with intellectual disability); *Furnish* v. *SVI Syst., Inc.,* 270 F. 3d 445, 450 (7th Cir. 2001) (person with cirrhosis of the liver caused by Hepatitis B); and *Pimental* v. *Dartmouth-Hitchcock Clinic,* 236 F. Supp. 2d 177 (D.N.H. 2002) (individual with advanced breast cancer).

18. 480 U.S. 273(1987).

19. The following courts have held that the ADA requires that reasonable accommodations be provided to individuals who are able to establish coverage under the ADA under the ''regarded as'' prong of the definition of disability: *Kelly* v. *Metallics West, Inc.,* 410 F.3d 670 (10th Cir. 2005) (plaintiff needed oxygen device to breathe); *D'Angelo* v. *ConAgra Foods, Inc.,* 422 F.3d 1220 (11th Cir. 2005) (plaintiff had vertigo resulting in spinning and vomiting); *Williams* v. *Philadelphia Housing Auth. Police Dept.,* 380 F.3d 751 (3d Cir. 2004) (plaintiff had major depressive disorder); *Lorinz* v. *Turner Const. Co.,* 2004 WL 1196699, * 8 n.7 (E.D.N.Y. May 25, 2004) (plaintiff had depressive disorder and anxiety); *Miller* v. *Heritage Prod., Inc.,* 2004 WL 1087370, * 10 (S.D. Ind. Apr. 21, 2004) (plaintiff had back injury and could not lift more than 20 pounds, bend or twist); *Jacques* v. *DiMarzio, Inc.,* 200 F. Supp.2d 151 (E.D.N.Y. 2002) (plaintiff had bipolar disorder); *Jewell* v. *Reid's Confectionary Co.,* 172 F. Supp.2d 212 (D. Me. 2001) (plaintiff had heart attack); *Katz* v. *City Metal Co., Inc.,* 87 F.3d 26, 33 (1st Cir. 1996) (plaintiff had heart attack). Some courts have held that reasonable accommodations need not be provided to an employee who is merely regarded or perceived as disabled. See *Kaplan* v. *City of N. Las Vegas,* 323 F.3d 1226, 1231–33 (9th Cir. 2003); *Weber* v. *Strippit, Inc.,* 186 F.3d 907, 916–17 (8th Cir. 1999); *Workman* v. *Frito-Lay, Inc.,* 165 F.3d 460, 467 (6th Cir. 1999); *Newberry* v. *E. Texas State Univ.,* 161 F.3d 276, 280 (5th Cir. 1998). Cf. Brady v. Wal-Mart Stores Inc. et al, No. 06–5486–cv (2nd Cir. July 2, 2008) (accommodations available under either first or third prong).

20. 527 U.S. at 479 (1999).

21. For example, an individual with diabetes might demonstrate coverage by showing either that he was substantially limited in endocrine functioning or that his diabetes substantially limited a major life activity, such as eating or sleeping.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for requesting my input on the energy crisis. I found out several years ago that energy prices were going to skyrocket due to the imminent peaking of oil production (and natural gas) worldwide. I read every book on the subject of the coming energy crisis such as ''Twilight in the Desert'', ''The Party's Over'', ''The Long Emergency'', ''Big Coal'', ''Powerdown'', and probably 15 others. I read most every relevant news story as collected by www.energybulletin.net.

I have heard the pleas from Al Gore, Bill Clinton, Matt Simmons, Rep. (R) Roscoe Bartlett (Maryland) and many other prominent Americans who want our citizens to know the truth about Peak Oil Theory, and the implications of a global peak and inevitable decline in production.

I have since sold my car, my house, and am living with massive inflation, food and gasoline shortages, and likely economic collapse in mind. I am growing a large garden this year and riding my bicycle(s) most everywhere. I have met with local leaders, including Boise Mayor Dave Bieter, to talk about real solutions, and have written letters to the editor of the Idaho Statesman monthly.

We need to grow most all of our own food locally, produce and distribute most goods locally, and keep people employed doing things to create and expand our new localized economy. We need to accept that our population will decline due to lowering food production. We need to know that the era of high consumption, personal automobiles, travel, and technology is coming to a close. People must understand that in 100 years our planet will sustain perhaps 1 billion people, living primarily an agrarian existence, without technology.

If the people remain in the dark about our true future, there are unspeakable dangers. Dictatorship in America, nuclear confrontations over resources, and rioting are likely. Please help to inform the American public now.

BOB, *Boise*.

Thank you for the email telling us of your position on the energy crunch (and thank you for opposing that climate change legislation). I am all in favor of developing alternative energy sources, such as biodiesel, and in expanding our refinery capacity for conventional petroleum fuels. I heartily support tapping the petroleum resources we have here in the United States and, from all that I have heard, we have (or can soon develop) the technology to do it with less harm to the environment. I understand that Congressman Chris Cannon of Utah is making efforts to develop oil shale fields that are located under Utah, Colorado and Wyoming. I support this and hope that you will uphold these efforts if corresponding legislation reaches the Senate. I also support conservation incentives that would encourage companies to come up with more environmentally friendly methods of developing these resources.

I support expanding our use of nuclear energy. My understanding is that the popular fears of nuclear power plants are largely based on myth. And most of the ''waste'' produced is either relatively benign, or can be recycled or reused. If federal regulations were changed so that all radioactive byproducts did not have to be shipped to a nuclear waste repository, we would have plenty of space in places like Yucca Mountain. Apparently, only 2% of byproducts from nuclear reactors really need to be taken to such facilities. As an aside, France produces 80% of its electricity from nuclear power. What in the world is holding us back from building more nuclear power plants?

Please do whatever you can to bring about changes at the federal level so that the private sector can go to work developing technologies and resources to solve our growing energy problems. I agree that we are ''too dependent on petroleum,'' and that we are ''far too dependent on foreign sources of that petroleum.'' We must move forward in availing ourselves of the resources we have. We should do so in an environmentally conscientious manner, yes, but we must move forward.

Sincerely,

BLAKE, *Hamer*.

A few years ago I needed to re-do a roof. I considered solar panels and energy conservation devices. It added a lot of costs, but I thought that it would be worthwhile if I could get a bit of a tax break. I contacted the state, power company, gas company, and checked the Internet for federal tax breaks. There weren't any for individuals. The lady with the state simply stated that ''they do not do things that way.'' I felt this was short-sighted at the time, and, as things are now, my opinion seems to be correct. I do not foresee a turn around any time soon. Why does not the legislature encourage the gas and power companies to offer incentives? Why does not the state or federal legislatures offer tax incentives to individuals instead of to major corporations?

The engine that drove America to its current prominence is the creativeness and industry of the every day American. Release it! Encourage people to come up with their own energy saving ideas and devices. At least, stop blocking individual efforts that are attempted by easing legal restrictions. America's and Idaho's energy companies and legislatures have created barriers to individual ingenuity. It is not in their respective interests to encourage such action. I feel that this is short-sighted at this time, but I expect more of the same. Until the economic pain of the individual is shared by the existing energy corporation executives and current legislators, little more than lip service can be expected. Some have said that gas at $5/gallon would wake us all up and cause change to occur. The fallacy in this logic is that the $5/gallon is increased profits and corporations seldom discourage profit. There is economic pain all right, but the pain is not felt by the folks who initiate changes.

Here is a radical proposal: Remove the existing corporate tax benefits related to oil and some other energy corporations. (Windfall profits are possible, but I am not recommending them.) Offer the same amount as tax benefits to individuals. These can be in the form of worthwhile individual energy grants and can be emergency economic tax credits in places like the Midwest. You are probably aware that there have been significant floods in the Midwest. You are probably aware that this is expected to affect the cost of food and fuel adversely. This will result in the same type of economic pain as the current ''Gas Crisis''. The fund might be an ''Economic Crisis'' fund. I have little doubt that there are many other economic crises that will occur.

The engine of America is in need of maintenance. This maintenance is needed at the individual level. The Economic Crisis fund can provide for maintenance, and some improvements. Once the engine of America stops running, the entire world is going to see some real economic pain. Some of the most short sighted world leaders will transfer this economic pain into other kinds of pain. Somebody else will be blamed and punitive action started.

Here is another consideration. Some say that the cost of gas is based on speculation. If this is true, a disincentive can easily be added to dampen speculative zeal in the form of capital gains taxes. There are long and short term capital gains. Let us add another class that would penalize speculation. Extend long term capital gains taxes to five years. This will allow reasoned investments. Keep the tax rate on these low. Speculators are usually short term. Raise the tax rate on the speculation profits. No doubt there will be howls, but then there will be an adjustment, and the overall effect could be that market manipulation is discouraged while prudent or targeted investment is encouraged. The tax code would also need to be amended.

KELLY.

We would like to express our concern over Congress's reluctance to address the energy problem. Rather than blaming oil companies for making an 8½% profit, you should all be blaming yourselves for your lack of foresight. The law of supply and demand is well understood out here, but Washington does not seem to grasp it. Drill . . . off-shore, ANWR, coal-to-oil, nuclear, solar, wind, shale oil. In short, go to work on the problem instead talking it to death. Immediately lift your restrictions on drilling here.

Our propane went from $124 every three weeks last winter, to $227 this spring. We are broke. Between my physical inability to work, (but not disabled enough to draw disability), my husband's $10 an hr. job, our mortgage, utilities, transportation costs, property taxes, auto licenses, home owner's insurance, medical insurance, and auto insurance, we now find ourselves with no grocery money. Our daughter, tax rebates, unexpected refund of medical overpayment, (God), have fed us the first half of this year.

Tell your colleagues that there are real people out here that do not make hundreds of thousands of dollars a year, (of course, if we could set our own wages, we would), but try to live on a gross of $20,000 a year.

We, our friends, relatives and neighbors are beginning to suffer. This is the first time in many years that we have had to worry about our next week's groceries. We are agonizing over whether to drop our medical coverage, but that is so frightening.

Thank you for listening.

Sincerely,

CHARLES and WANDA.

Thank you for your support in trying to keep our gas prices down. Thank you also for trying to utilize energy sources here in America.

We are disability retired and taking care of my 90–year-old father. Of course you are aware that gas prices are driving the cost of everything else up. It is difficult to make our

fixed income stretch through the entire month. We only drive when absolutely necessary for doctor's appointments and shopping. If we forget something at the store, then we go without until the next time. It cost $51.00 to fill our tank in our mid-size car last time. The thought of gas reaching $6.00 or even $8.00 per gallon makes us wonder how we will possibly pay for it. We do not have bus service in Hayden, and being disabled are unable to walk to the nearest store which is a couple of miles away.

We plead with Congress to help us and the many that are in the same situation! Hopefully, Republicans will not sustain too great a loss in the upcoming election so they can push for a sensible domestic energy policy.

We are wondering if you support Newt Gingrich's ''Drill Here. Drill Now. Pay Less.'' proposal? Hopefully so.

Thank you.

Respectfully,

MIKE and MARY.

This Congress has a terrible record when it comes to sensible solutions to our energy problem!

This [current] Congress has failed miserably to address the real problems we the public face and instead wasted time investigating horse racing and drugs in sports or anything else [that provides easy publicity]. Many [conservatives] are also failing miserably and voting for (the wrong) politics over principle in misguided attempts to hang on to their jobs: earmarks come to mind here as well as voting with the [majority] and for special interest groups that are against solving our energy problems using our own abundant resources. We need to get rid of these people FAST so that somebody that really represents us can get on with solving the problem!

As I see it, with all major potential sources of domestic oil now legally ''off limits'' to exploration; with refineries effectively prevented from increasing their capacities; with nuclear plants unable to expand and increase because they are prevented from safely storing their waste; with our monstrous quantities of coal, clean or otherwise, on the verge of being banned; with heavily-subsidized corn-based ethanol now a major reason for the world-wide food crisis, Congress needs to call a ''time out'' and take a good look at what they're doing to our country! It is not something that can continue or ''our way of life'' as we know it will end! And if it does, the party identified as making it happen will find itself at an end too! At some point, I expect to see our country experience the kind of public protests becoming common elsewhere around the world, and with elections coming up shortly, the means will be readily at hand to make whatever changes we need. I vote, and I am really looking at the candidates voting records closely this time.

FRED, *Priest River*.

I am grateful for this opportunity to explain to you how the high gas prices are affecting me. I am a 23-year-old senior in college from the Burley area. I came home this summer and got a job as a pizza deliverer, therefore the amount I make depends a lot on the price of gasoline, because as the cost of gasoline rises that is less money that is available for me to set aside for college. Since I came back to Burley in the end of April, I have seen the price of gas at the cheapest gas station in town jump from $3.369 to $3.959 tonight as I drove home from work. In nearly two months on the job, my fuel expenses have almost exceeded $400.

I pay for college myself, with the assistance of some academic scholarships. I do not qualify for government aid. I did not qualify for the recent tax rebate. And I have made a goal to earn my undergraduate degree without taking out a loan because, in this unstable economy, I do not want to have that added albatross when I go to buy a house and start my family. I am not asking for a handout, or a loan or even a tax cut (though, admittedly, that would be nice). I am a hard worker, and I can make it through college without incurring one cent's worth of debt if the government would make a sensible energy policy that kept prices at the pump reasonable. What I am afraid is that most members of Congress, and especially the leadership, do not understand that rising gas prices affect lower income families and individuals like I the most. Do they not see that the entire $150 billion tax rebate will likely be used to cover the increased price of energy? The net economic benefit of the tax rebate is being pumped into our cars and burned. Fiery rhetoric about record profits in the oil industry may get some people angry, but does it really do any good? What assurance do I get that the price of gas will drop if Congress taxes the oil industry more? What's more, what assurance can you give me that the price will not increase as the oil companies pass the tax on to me? Some also suggest that we raise the miles per gallon standards on cars. That sounds good to me, but I cannot afford to buy a brand new Prius, much less a brand new anything. Some also say we should increase nuclear, hydroelectric, solar and wind power, all sentiments that I agree with. But, forgive my ignorance if I fail to see how building nuclear plants, dams, windmills or solar panels increase the oil supply. None of those options helps me at the pump. I still end up paying the high price of gas.

My feelings on how to solve the current energy crisis can be summed up with the title of Speaker Newt Gingrich nationwide petition drive: ''Drill Here. Drill Now. Pay Less.'' which more than 800,000 Americans have signed to date. My plea, Senator CRAPO, is that you stand up for the people like me and demand we open our coasts for drilling, open the ANWR for drilling, open the Rocky Mountains for drilling. I know we can do it in an environmentally friendly way. We are the United States, the greatest, most powerful nation on earth. Nothing is impossible for us. My grandparents and great-grandparents lived through a Depression, which dwarfed the current economic crisis. I want to have faith in my country that our generation will meet this issue head on. I have heard people say we cannot drill ourselves out of the crisis. But I fail to see how doing nothing to increase domestic oil production solves the problem either. If a college student who struggled through Economics 101 understands that the bulk of this issue is a supply problem, what does that say about the lack of economic prowess on display by a majority of Congress? Perhaps an equitable solution for both sides would be to write a bill that opens the ANWR and at the same time releases half of the strategic oil reserve. That would have the immediate effect of lowering gas prices and a longer term effect of increased supply. Can both sides agree to something like that?

JARED.

AFRICA

Mr. FEINGOLD. Mr. President, I am very concerned that one of Africa's most gruesome and longstanding conflicts is once again falling off the radar screen of this Congress and this administration. For 22 years, northern Uganda has been caught in a war between the Ugandan military and rebels of the Lord's Resistance Army, leading at its height to the displacement of 1.8 million people, nearly 90 percent of the region's population. Just a few years ago, an estimated 1,000 people were dying each week in squalid camps, and northern Uganda was called the world's worst neglected humanitarian crisis. The rebels for their part are reviled across the world for their horrific brutality. Over the course of the conflict, they have reportedly abducted more than 66,000 children, forcing them into sexual slavery or child soldiering.

In March of 2007, the Senate passed a resolution I introduced recognizing this crisis and calling on the administration to support the ongoing peace negotiations. These negotiations—which began in 2006 in Juba, Southern Sudan, and were mediated by the Government of Southern Sudan—brought a cessation of hostilities and offered the best opportunity in a decade to bring an end to the war. At the urging of this Congress and thousands of concerned Americans, the State Department finally appointed a senior diplomat to coordinate U.S. support for this peace process. That diplomat, Tim Shortley, played a crucial role over the last year in moving the negotiations forward. In March 2008, the parties reached an agreement that was one of the most comprehensive of its kind, including provisions for truth-telling, disarmament and demobilization, reconciliation and accountability.

Unfortunately, the leader of the Lord's Resistance Army—LRA—Joseph Kony, has refused to sign the agreement. Far more disturbing, his rebels now operating almost entirely outside Uganda and instead in the border region between Central African Republic, Congo, and Southern Sudan have resumed attacks and abducting children. They are easily exploiting the region's porous borders and ungoverned spaces a problem which, in my view, constitutes a threat to international peace and security. Yet rather than intensify efforts to engage and pressure Kony to accept the agreement, the United States and others in the international community have downscaled our efforts. Instead of mustering the tremendous resources at our disposal to press the rebels to accept a political solution, we have turned our attention elsewhere again.

As a result, there is now a haphazard military operation underway to contain the rebels by the Congolese military a force not known for its success in defeating armed groups or for respecting civilians caught in the crossfire. Yes, the U.N. Peacekeeping Force in Congo, known by its French acronym MONUC, is supporting the Congolese military, but MONUC is already overwhelmed by its inability to fully address its primary task: controlling the persistent violence in the eastern Congo. I visited that region last summer and it is a region desperately in need of greater security. Without expanded resources and capacity focused

on this problem, a completely new offensive runs a high risk of exacerbating the region's volatility rather than addressing it. We have seen too many times in this part of the world how rash and uncoordinated ''military solutions'' have fueled the flames of conflict and generated new political grievances.

This is not to say that security measures aren't needed to protect civilians in the region and thereby bring permanent peace to eastern Congo and northern Uganda. They are. Until we are able to build the capacity of national and regional institutions, the LRA and other armed groups will continue to exploit the region's borders and wreak havoc throughout these four countries. We need more inter-agency collaboration to consider how we can bolster sustainable long-term civilian protection mechanisms, while in the meantime devising creative short-term strategies to help fill the gaps.

The calm brought by the Juba peace process presented an unprecedented opportunity in this conflict's history to rebuild northern Uganda's institutions, which is the surest safeguard against future violence and instability. I fear that this opportunity is being squandered. Since the cessation of hostilities was signed two years ago, nearly half of the people displaced have returned to their original homes and begun to restore their livelihoods. However, this process has increasingly been fraught with problems. The lack of access to basic services in the villages and transit sites, such as clean water, health care and education, has broken up families and hindered recovery. The lack of a capable and competent police force and judiciary has left women and girls vulnerable to sexual violence. Finally, the lack of programs to address underlying grievances and psychosocial trauma has allowed tensions to fester.

Responsibility for managing northern Uganda's transition lies first and foremost with the Government of Uganda. I realize that the government has limited capacity, but it seems there has been a distinct lack of high-level leadership. In October 2007, the Ugandan government launched a three-year $600-million recovery plan for the war-torn region, but that plan has been mired in confusion. Its partial implementation only began 2 months ago. Moreover, there continues to be a lack of coordination between the government, donors, U.N. agencies and nongovernmental organizations. I urge the Ugandan government to show leadership at the highest levels and demonstrate its willingness to fulfill the promises it made to the people of northern Uganda over the last year.

If the Ugandan government leads and takes measures to prevent corruption, the international community should back it up with the necessary financial and technical support. To signal that commitment, I call on the administration to help convene a high-level conference of Uganda donors. Such a conference can coordinate an effective donor strategy to support recovery efforts and hold the Ugandan government accountable. This conference, though, must only be the beginning of reinvigorated institutional engagement by this administration and the next to bring this conflict to its conclusion, which is finally in sight after 22 years. Let us make it clear once and for all that the United States is resolved to see peace secured in northern Uganda.

Too often this Administration has leapfrogged from one crisis to another in Africa, trying to put out fires but not addressing the underlying factors driving these conflicts. This is not a result of lack of interest or dedication from our diplomats, for I have seen first-hand their resourcefulness and hard work. But the reality is that the State Department's Africa Bureau is overwhelmed and under resourced. For places like northern Uganda or eastern Congo or the Niger Delta, we do not have the personnel or on-the-ground presence to respond comprehensively to insecurity. We in Congress must give greater attention in the coming months and years to ensuring our diplomats have the resources they need to operate in these neglected conflict areas. However, that process begins with us committing to these places, not just whenever they hit the headlines but because they are important to our collective security and to basic American principles.

U.S. OLYMPIANS

Mr. LEAHY. Mr. President, I rise today to honor two Vermonters who represented their country this summer in China. Everyone at one time or another has heard the Mark Twain quote, ''It's not the size of the dog in the fight, it's the size of the fight in the dog.'' Nothing embodies this adage to me more than the commendable determination of this year's Vermont summer Olympians. Vermonters have always stood as an example of what a good hard day's work can accomplish, and this summer in Beijing was no exception. In a world of more than 6.5 billion people, our great State of 610,000 creates world class athletes that stand out against the crowd.

Representing Vermont on the U.S. Women's Weightlifting Team was Carissa Gump, originally of Essex. Ever since her middle school gym teacher first convinced her to pursue weightlifting, her dedication has brought her success. One of only two U.S. women competing in her weight class, Carissa was able to finish an impressive fifth in her group and thirteenth overall. Showing off her Vermont bred toughness, she managed to complete every one of her lifts all while nursing an aggravating left wrist injury. From reading Carissa's online blog, anyone can also learn about her amazing and loving family. Her parents, Kathie and Marty, and her husband Jason took time away from work to fly to Beijing with Carissa and give her their support. This inspiring display of heart truly embodied Vermont's Olympic spirit and I would like to join with her family and friends in commending Carissa's remarkable achievement.

On the track, the Men's 800 meters featured Norwich native Andrew Wheating. Andrew has become a regular in the national headlines ever since he finished second in the U.S. Olympic Trials and earned a ticket to represent his country in Beijing. Currently a sophomore at the University of Oregon and the only Vermonter to run a 4-minute-mile, Andrew has already established himself as one of the sport's rising young talents. The son of Betsy and Justin Wheating, Andrew not only showcased his talent to the world, he also realized a longtime family dream. Justin Wheating as a standout athlete in his home country of England never had a chance to represent his country in an Olympic games. However, Mr. Wheating managed to pass the torch to an exceptional son who Vermont is proud to call one of our own and Andrew's thrilling performance in these Olympic quarterfinals showed the world why. With all of the success and accolades this young man has already accumulated, there is no doubt in my mind that he has a very bright future ahead of him.

In a place historically famous for its winter athletes, these exceptional competitors just further prove it is impossible to pigeon hole our great State. For those of you who enjoy skiing Vermont in the winter, perhaps it is time to come see why we call them the ''Green Mountains'' next summer? The extraordinary displays of speed and power by these Vermonters on the world's largest stage perfectly showcased our diverse range of talent and I want to thank Carissa and Andrew for making their State and country proud.

Mr. BAYH. Mr. President, I rise today to pay tribute to the 10 outstanding Hoosier athletes who represented the State of Indiana and all of the United States in the Games of the XXIX Olympiad in Beijing, China.

Lloy Ball, a volleyball player from Fort Wayne; David Boudia, a diver from Noblesville; Amber Campbell, a track and field athlete from Indianapolis; Lauren Cheney, a soccer player from Indianapolis; LeRoy Dixon, a track and field athlete from South Bend; Mary Beth Dunnichay, a diver from Elwood; Thomas Finchum, a diver from Indianapolis; David Neville, a track and field athlete from Merrillville; Samantha Peszek, a gymnast from Indianapolis; and Bridget Sloan, a gymnast from Pittsboro, all represented the Hoosier State as members of Team USA.

This Olympiad is the first for many of the Hoosier athletes; others have donned the colors of Team USA before. This year, Lloy Ball, a member of the

U.S. men's volleyball team, became the first male athlete from the United States to compete in four Olympic Games. Lloy's incredible feat will forever be part of Indiana and Olympic sports history, and I know our entire State is immensely proud to count him among our own.

These Hoosiers have shown superior abilities, extraordinary work ethics, and unflappable determination in their quests to become Olympic athletes. The road to the pinnacle of athletic success has required thousands of hours of demanding training over years of preparation, yet these athletes show us that commitment to excellence truly has its rewards. For many of our Hoosier athletes, the spoils of their hard work and dedication came in the form of an Olympic medal. Lloy Ball and the men's volleyball team brought home a gold medal, as did Lauren Cheney and the women's soccer team. David Neville won the bronze medal in the 400 meter final, and Samantha Peszek and Bridget Sloan were awarded the silver medal with their teammates on the women's gymnastics team.

These 10 athletes traveled halfway around the globe to compete against the worlds' finest, and brought with them the unwavering support of their fellow Hoosiers. The people of Indiana are fortunate to have had such an exceptional group representing us at the Olympic Games.

Team USA represents the best America has to offer, and these Hoosiers have made our State and our country proud.

Mr. CRAPO. Mr. President, the Olympic Games has always been a time for the world to celebrate the triumph of the human spirit and personal qualities that determine excellence: discipline, commitment and a positive, winning attitude. Athletes from all over the world bring pride to their countries, friends and family during the Olympic Games. Most importantly, they achieve the distinction that can come when an individual applies determination and hard work to develop a God-given talent. Motivated to get up early, often before work, to pound the pavement, ride the roads and trails, shoot baskets, hit balls, lift weights or swim laps, these women and men are committed to improving their strength, agility, speed and stamina. I am especially proud of the Idahoans who competed in the 2008 Olympics, representing their teams, their Nation and their families with skill and pride.

As you may know, Boise resident Kristin Armstrong won the gold in the women's cycling time trial. Kristin is well known around the Boise area: many have seen her cycling or at the local YMCA where she is an instructor. She is an inspiration to those who know her and she has made Idaho proud. Bishop Kelly High School graduate Nick Symmonds advanced to the preliminary round in the 800 meter run. Georgia Gould, a one-time Ketchum resident competed in the women's mountain bike race. Team USA also included Idahoans: Matt Brown, a graduate of Coeur d'Alene High School, played third baseman for Team USA in baseball. Debbie McDonald, from Hailey, competed for Team USA in dressage. Idahoans excelled on teams from other nations as well. Clare Bodensteiner, a graduate of Minico High School, played for the New Zealand basketball team. Angela Whyte, a former University of Idaho runner and now assistant coach competed for Canada in the 100 meter hurdles and, Joachim Olsen, also a University of Idaho athlete, competed in the shot put for Denmark. Emerson Frostad, a former Lewis-Clark State College baseball player played for Team Canada as a catcher/first baseman. Eric Matthias, a Boise resident and in graduate school at Boise State University, competed for the British Virgin Islands in the discus throw.

And in the Paralympics—the second-largest sporting event in the world after the Olympics—that are concluding in Beijing this week, Idaho native Barbara Buchan took the gold in the 3,000 meter cycling event. Barbara was the 1972 high school mile run State champion from Mountain Home High School and went on to graduate from Boise State University. She was severely injured in a cycling accident in 1982, suffering almost fatal wounds. In addition to terrible physical injuries, she was in a coma for 2 months and had surgery to remove the damaged parts of her brain. After years of physical and mental rehabilitation, Barbara came back, her passion for cycling unchanged. A five-time Paralympics competitor at 52 years old, Barbara embodies the Olympic spirit.

To all these courageous, gifted and dedicated Idaho athletes, I offer my heartfelt congratulations for a job well done. You continue to make Idaho proud.

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS ACT

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues of my request to be notified of any unanimous consent agreement that would allow for the consideration of S. 3325, the Enforcement of Intellectual Property Rights Act of 2008. I intend to reserve my right to object to any such request.

S. 3325 was marked up by the Judiciary Committee just last Thursday afternoon. I circulated several amendments to address a number of concerns I had about the bill. Two of my amendments—one that would add USDA to the list of agencies on the IPEC Advisory Committee, and another that would provide for an orderly transition from NIPLECC to IPEC—were adopted by the committee. However, I withheld from offering other amendments because I received a commitment that the chairman and ranking member of the Judiciary Committee would work with me to address my other concerns.

For example, I have concerns with the funding of the new State and local law enforcement grant programs in section 501 and the grant match ratio for those programs. Further, I have concerns with the creation of a new intellectual property crimes unit at the FBI to enforce intellectual property rights and the authorization of additional funding, resources and staff for the FBI to implement these additional responsibilities. I firmly believe that the FBI should focus its efforts on combating terrorism. I am concerned about duplication with work currently being performed at ICE and its National Intellectual Property Rights Coordination Center. Moreover, I am concerned with language calling for the prioritization of cases involving foreign controlled companies, and the lack of any priority for cases investigated by the FBI that have a nexis to potential terrorist activities.

My staff will be sitting down with the chairman and ranking member's staff to work on my concerns. Again, I intend to reserve my right to object to proceeding to the consideration of S. 3325 until my concerns have been addressed.

ADDITIONAL STATEMENTS

BURLINGTON COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Burlington Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Burlington Community School District received a 2006 Harkin grant totaling $500,000 which it used to help build a new elementary school. Sunnyside Elementary is a modern, state-of-the-art facility that befits the educational ambitions and excellence of

this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools like Sunnyside do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Burlington Community School District. In particular, I would like to recognize the leadership of the board of education—president Thomas Greene, vice president Dennis Kuster, Gary Imthurn, Melanie Richardson, Don Harter, Linda Garwood, Scott Smith and former board members Tom Courtney, John Sandell, Joseph Abrisz, Steven Hoth, Jason Sapsin and Joseph Poisel. I would also like to recognize superintendent Leland Morrison, former superintendent Michael Book, director of maintenance and construction manager Byron Whittlesey and principal Terri Rauhaus.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Burlington Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

LAMONI COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Lamoni Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Lamoni Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build a new high school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received fire safety grants totaling $100,000 to make other improvements throughout the district.

Excellent new schools like Lamoni High School do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Lamoni Community School District. In particular, I would like to recognize the leadership of the board of education, president Bill Morain, Mike Quick, Dennis McElroy, Michele Dickey-Kotz and Dale Killpack and former board members MaryAnn Manuel, Alan Elefson, Bob Bell and Mike Ranney. I would also like to recognize superintendent Diane Fine, former superintendent Mike Harrold, high school principal Dan Day, grant writer Shirley Kessel, project manager Dan Boswell, as well as many community members who worked hard to make the dream of a new high school come true.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Lamoni Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SHENANDOAH COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Shenandoah Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Shenandoah Community School District received a 1999 Harkin grant totaling $526,231 which it used to help build a new K–8 school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a total of $64,189 from two fire-safety grants. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Shenandoah Community School District. In particular, I would like to recognize the leadership of the board of education—Marty Maher, Dr. Margaret Brady, Brian Maxine, Dwight Mayer, and Keith Meyer. I would also like to recognize superintendant Richard Profit as well as former board members—Ken Lee, Roger Jones, and Steve Berning and former superintendent Connie Maxson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States

are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Shenandoah Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year. ●

SHENANDOAH COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Shenandoah Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Shenandoah Community School District received a 1999 Harkin Grant totaling $526,231 which it used to help build a new K–8 school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a total of $64,189 from two fire safety grants. The federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration and governance in the Shenandoah Community School District. In particular I would like to recognize the leadership of the board of education—Marty Maher, Dr. Margaret Brady, Brian Maxine, Dwight Mayer and Keith Meyer. I would also like to recognize superintendant Richard Profit as well as former board members—Ken Lee, Roger Jones and Steve Berning and former superintendent Connie Maxson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Shenandoah Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SOUTH PAGE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the South Page Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The South Page Community School District received a 2002 Harkin grant totaling $298,650 which was used to help make improvements on the K–12 building. The district also received a $50,000 fire safety grant that was used to replace and repair exit lighting and smoke detectors. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the South Page Community School District. In particular, I would like to recognize the leadership of the board of education—president Ellen Nothwehr, Junior Niehart, Ron Peterman, Deb Wallin and Karl Kenagy as well as former board members—Terry Carlson, Larry Murphy and Brenda Swanson. I would also like to recognize superintendant Joy Jones and former superintendent Iner Joelson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the South Page Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

HONORING TAMMY CHASE

● Mr. JOHNSON. Mr. President, I wish to pay tribute to Sisseton resident Tammy Chase and her dedicated service to the South Dakota National Guard. Serving as the family readiness group leader, Tammy provides support to units, servicemembers, and families throughout South Dakota. When a soldier serves overseas, his or her family and friends must assume additional responsibilities and sacrifices. Thanks to the work of Tammy, and the family

readiness group, South Dakota National Guard families are provided with an extended network of support and resources to help them through their time apart. Among her many tasks, Tammy maintains the telephone tree, publishes newsletters, provides baked goods to soldiers at monthly drills, organizes family events, and prepares families for possible deployments. Countless lives have been touched by her efforts.

Tammy is dedicated and committed to her volunteer work; she has been the family readiness group leader for the past 11 years. She was recently recognized for her efforts when she was presented with the AMVETS PNC John S. Lorec National Guard Volunteer of the Year award at the National Guard Family Program conference in St. Louis, MO.

I am pleased that Tammy's efforts are being publicly honored and celebrated with this prestigious award. I applaud her for her years of hard work. Tammy's work in our communities and State is a testament to her selfless service to our country. Tammy's efforts on behalf of all those that are currently serving in the National Guard are a shining example of patriotism, and we can all be inspired by her dedication and service.●

125TH ANNIVERSARY OF THE FOUNDING OF UNIVERSITY OF SIOUX FALLS

● Mr. JOHNSON. Mr. President, today I wish to recognize the 125th anniversary of the founding of University of Sioux Falls. Over the course of its history, USF has continuously produced extraordinary graduates with a Christian liberal arts education. In the modern, high-tech, and competitive environment in which we live, USF students are equipped with the skills that are essential for success.

In education, technology, and research, USF is at the forefront of academic and cultural achievement, with enrollment now at 1,700 and a diverse student body from over 20 States. For 125 years, the university has helped students realize their potential by offering them a quality education and a positive social and religious environment. USF graduates are well-equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe.

I am proud to have this opportunity to honor the University of Sioux Falls for its 125 years of outstanding service. I strongly commend their hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

TRIBUTE TO RICK AND KATHY CLARKE

● Mr. INHOFE. Mr. President, I rise to honor two great Oklahomans, Rick and Kathy Clarke, who are in Washington, DC, for the Congressional Coalition on Adoption Institute's annual Angels in Adoption Gala. I was pleased to select Rick and Kathy as 2008 Angels in Adoption because of their great commitment to adoption at both a personal and professional level.

When Rick Clarke served for 5 years as a judge in juvenile court, working with abused and neglected children every day, both he and his wife, Kathy, formed a desire to help children who are most in need—those without families. Today, Rick dedicates part of law practice to adoption cases. He serves as a volunteer attorney through Tulsa Lawyers for Children, as a guardian ad litem through court appointments, and is on the board of Heritage Family Services, a Tulsa-based adoption agency. Kathy has served as a Court Appointed Special Advocate for children. She also currently works on special education issues and is a member of the PTA.

However, it is this family's personal story that sets it apart. The Clarkes have personally participated in the adoption process for 13 years and have adopted nine children. Throughout these years, the Clarke family has faced tragedies, hardships, and obstacles. Yet they continue to grow as a family, both in number and in character.

The Clarke's first adopted child was a 3-year-old boy from Oklahoma. The next two young children joined the family from Russia after being diagnosed with medical complications. The Clarkes later adopted three unrelated girls—aged 15, 13, and 8—through Oklahoma Department of Human Services. Lastly, they provided homes to two sisters from Liberia and an older boy from Ethiopia.

The faith and perseverance of Rick and Kathy Clarke enables them to overcome the challenges of providing a permanent and loving home to so many children. Remaining steadfast in their dedication and belief that God has a special plan for every child, Rick and Kathy have raised each of their nine children to be productive, healthy, and strong leaders in their schools and communities.

The Clarkes truly represent the blessings and the power of adoption. I am pleased to congratulate Rick and Kathy Clarke, Oklahoma's 2008 Angels in Adoption, and to welcome them to our Nation's Capital for this special honor.●

TRIBUTE TO HAROLD O. BOURNE

● Mr. KOHL. Mr. President, several weeks back I had the great pleasure of visiting with a constituent I would like to honor today. Milwaukee resident Harold O. Bourne recently received the Federal Aviation Administration's Wright Brothers Master Pilot award for flying 50 years without incident.

Mr. Bourne has given much to his country over the years. He enlisted in the U.S. Army in 1951, entered flight school in 1953 and served one tour in Korea, two tours in Germany and two tours in Vietnam. In 1980, after 30 years of service he retired from the Army as a lieutenant colonel and master army aviator. Upon his retirement, he moved to Milwaukee where his love for and expertise in aviation was put to good use. Mr. Bourne embarked on what would become a 20-year career with Astronautics Corporation of America, a world leader in supplying military and commercial electronics for aviation.

At 78, Mr. Bourne is still flying. He is a gentleman in the truest sense of the word. Harold and his wife of 57 years, Anne, have given much of themselves over the years, not only to aviation but to their community and their church. And for that I congratulate and honor them.●

TRIBUTE TO MARK MILLAR

● Ms. SNOWE. Mr. President, I congratulate Mark Millar on receiving the 2008 Angels in Adoption Award, a tremendous honor that highlights his tireless commitment to achieving permanent family connections for children in foster care in Maine. What a well-deserved accolade for such an ennobling endeavor.

Mark Millar began his career as a protective services worker and has been a critical part of Casey Family Services in Portland for more than 20 years. In that time, he and his dedicated staff have helped transform the lives of countless families, by promoting kinship care, providing counseling and other services to strengthen families postadoption, and helping Maine reduce the amount of time required to reach legal permanence when a child enters foster care.

Undoubtedly, we as a nation can and must do more to better equip families who sacrifice so much to provide safe, loving homes for children in foster care. For many families, the decision to open their home to a child is easy, but it can also be emotionally trying and financially taxing. That's why Mark Millar's work at Casey Family Services is so indispensable and profoundly worthy of this distinction. At a time where Federal dollars for child welfare services are regrettably too few, Mark Millar and Casey Family Services offer families a support system that is dependable and viable.

Mark Millar has also performed remarkable work in helping teens prepare for the challenges of adulthood, whether though his efforts with the First Jobs program, which provides initial and transitional employment opportunities at Hannaford for youth aged 15–21, or Casey's outdoor work-readiness and skill development program. And he has been selfless in his extraordinary contributions and inspiring through the power of his benevolent example. In short, Mark understands and lives out what American novelist, Herman Melville, once eloquently described in words . . . "We

cannot live for ourselves alone. Our lives are connected by a thousand invisible threads, and along these sympathetic fibers, our actions run as causes and return to us as results.''

Championing the cause of children and garnering tangible results that effect the everyday lives of many Mainers are the true measure of Mark's phenomenal trajectory of accomplishment in helping others. And so, we couldn't be more grateful to Mark for what has given and continues to give back to Maine, and I couldn't be more pleased about this tribute bestowed upon him which is a fitting recognition of all he has achieved on behalf of all whom he has served.●

TRIBUTE TO JACK VAN DER GEEST

● Mr. THUNE. Mr. President, today I recognize the 85th birthday of Jack van der Geest of Rapid City, SD. A native of the Netherlands and author of ''Was God on Vacation?'', Jack's life story is a heroic depiction of courage and the willingness to act against the evils that threaten our world and our freedoms.

Born in the Netherlands in 1923, Jack's younger years witnessed the horrifying and devastating effect of Nazi Germany in Europe. Jack endured many trials and tribulations after the Nazis invaded his homeland in 1940; however, none of them would prove to break Jack's spirit of perseverance. After his capture, Jack's resilience served him well as he became one of only eight prisoners to escape from the Buchenwald concentration camp.

Following Jack's escape from terror in the heart of Nazi Germany, he further pledged his services to fight the Nazi occupation throughout Europe. Jack joined the French Underground and helped Allied paratroopers escape capture in Vichy, France. Soon after, Jack arrived in England where he became an interpreter for the storied 101st Airborne. Jack eventually immigrated to America and became a United States citizen in 1953.

In 1995, Jack authored the book ''Was God on Vacation?'', an autobiography of his life during World War II. This astonishing work gives an in-depth account of Jack's struggles and endeavors from 1940–1947. Jack's testimony truly shines a light on the persecution and challenges many Europeans endured during World War II and how some fought dearly to repel the Nazi aggressors. The story of Jack van der Geest reminds us to never take for granted the freedoms that so many have fought for in our armed services and around the world.

I would like to send my heartfelt congratulations to Jack on his 85th birthday and thank him for telling his story and allowing us all to never forget how fortunate we are to be free.●

RECOGNIZING ARMOUR ELEMENTARY SCHOOL

● Mr. THUNE. Mr. President, today I recognize Armour Elementary School for being named a 2008 No Child Left Behind-Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers and students at Armour Elementary School is truly invaluable in shaping the future leaders of this country. The work that they are doing to meet higher achievement standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to Armour Elementary School for being named a blue ribbon school and for making South Dakota proud.●

RECOGNIZING WHITEWOOD ELEMENTARY SCHOOL

● Mr. THUNE. Mr. President, today I recognize Whitewood Elementary School for being named a 2008 No Child Left Behind-Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers and students at Whitewood Elementary School is truly invaluable in shaping the future leaders of this country. The work that they are doing to meet higher achievement standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to Whitewood Elementary School for being named a blue ribbon school and for making South Dakota proud.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:05 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5167. An act to terminate the authority of the President to waive, with regard to Iraq, certain provisions under the National Defense Authorization Act for Fiscal Year 2008 unless certain conditions are met.

H.R. 6889. An act to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 390. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 5938) to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5167. An act to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 390. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 16, 2008, she had presented to the President of the United States the following enrolled bills:

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

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 3168. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes (Rept. No. 110-464).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107–347) to reauthorize appropriations, and for other purposes (Rept. No. 110–465).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2816. A bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security (Rept. No. 110–466).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 3038. A bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes (Rept. No. 110–467).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 31. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects.

H.R. 236. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 813. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

H.R. 816. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 838. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 903. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

H.R. 1139. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1737. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

H.R. 1803. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 2246. A bill to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.

H.R. 2614. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2632. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3022. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3323. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3473. A bill to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3490. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 5137. A bill to ensure that hunting remains a purpose of the New River Gorge National River.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 390. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

S. 1756. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

S. 1816. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes.

S. 2093. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System.

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2255. A bill to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2354. A bill to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2535. A bill to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2561. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2779. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2805. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes.

From the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2974. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3011. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan.

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes.

S. 3051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes.

S. 3065. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area.

S. 3069. A bill to designate certain land as wilderness in the State of California, and for other purposes.

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes.

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes.

S. 3089. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3096. A bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 3158. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 3179. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3189. A bill to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 3226. A bill to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park''.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3499. An original bill to protect innocent Americans from violent crime in national parks.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 16, 2008:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 110–6 Amendment to Convention on Physical Protection of Nuclear Material with 1 reservation, 3 understandings, and 1 declaration (Ex. Rept. 110–24];

[Treaty Doc. 110–8 Protocols of 2005 to the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf with reservations, understandings, and declarations (Ex. Rept. 110–25] and

[Treaty Doc. 106–1(A) The Hague Convention with 4 understandings and 1 declaration (Ex. Rept. 110–26)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

110–6: AMENDMENT TO CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted on July 8, 2005 (the ''Amendment'') (Treaty Doc. 110–6), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation. The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 17(3) of the Convention on the Physical Protection of Nuclear a enal, the United States of America declares that it does not consider itself bound by Article 17(2) of the Convention on the Physical Protection of Nuclear Material with respect to disputes concerning the interpretation or application of the Amendment.

Section 3. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended), the Convention on the Physical Protection of Nuclear Material, as amended, will not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

Section 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain of enses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Amendment is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. This Amendment does not confer private rights enforceable in United States courts.

110–8: PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms

Located on the Continental Shelf, adopted on October 14, 2005, and signed on behalf of the United States of America on February 17, 2006 (the ''2005 Fixed Platforms Protocol'') (Treaty Doc. 110–8), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation. The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 16(2) of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the United States of America declares that it does not consider itself bound by Article 16(1) of the Convention and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, with respect to disputes concerning the interpretation or application of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

Section 3. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' as used in paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law,'' as used in paragraphs 1 and 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, has the same substantive meaning as the ''law of war.''

(3) The United States of America understands that, pursuant to paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in paragraph 2 of Article 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, the 2005 Fixed Platforms Protocol is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions of the 2005 Fixed Platforms Protocol, including those incorporating by reference Articles 7 and 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, confer private rights enforceable in United States courts.

106–1(A): THE HAGUE CONVENTION

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) concluded on May 14, 1954, and entered into force on August 7, 1956 with accompanying report from the Department of State.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to understandings and a declaration.

The Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106–1(A)), subject to the understandings of section 2 and the declaration of section 3.

Section 2. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) It is the understanding of the United States of America that ''special protection,'' as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack and, second, allows all property to be attacked using any lawful and proportionate means, if required by military necessity and notwithstanding possible collateral damage to such property.

(2) It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action or other activities covered by this Convention shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) It is the understanding of the United States of America that the rules established by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

(4) It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural objects rests with the Party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

Section 3. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to impose sanctions on persons who commit or order to be committed a breach of the Convention, this Convention is self-executing. This Convention does not confer private rights enforceable in United States courts.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. INOUYE, and Mr. SMITH):

S. 3491. A bill to amend the Communications Act of 1934 to improve the effectiveness of rural health care support under section 254(h) of that Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Mr. ROCKEFELLER, Ms. COLLINS, Ms. LANDRIEU, Mr. BAYH, Mr. CASEY, and Mr. JOHNSON):

S. 3492. A bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3493. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3494. A bill to restore the value of every American in environmental decisions, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mrs. CLINTON, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 3495. A bill to protect pregnant women and children from dangerous lead exposures; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 3496. A bill to address the health and economic development impact of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3497. A bill to amend the Food and Nutrition Act of 2008 to decrease the period of benefit ineligibility of certain adults due to unemployment; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. HARKIN, Mr. COCHRAN, Mr. VITTER, Mr. OBAMA, Mr. BAYH, and Mr. LUGAR):

S. 3498. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 3499. An original bill to protect innocent Americans from violent crime in national parks; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. VITTER, and Mr. INHOFE):

S. 3500. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking

Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. 3501. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3502. A bill to provide for the establishment of a task force to address the environmental health and safety risks posed to children, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, and Ms. STABENOW):

S. Res. 662. A resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week; to the Committee on the Judiciary.

By Mr. HAGEL:

S. Con. Res. 99. A concurrent resolution honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 625

At the request of Mr. REID, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1232

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1514

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1556

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. CARPER), the Senator from Nebraska (Mr. HAGEL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2668

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2970

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2970, a bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3237

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3266

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3266, a bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government.

S. 3277

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3277, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3311

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3344

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3356

At the request of Mr. ISAKSON, the names of the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. BUNNING), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Indiana (Mr. LUGAR), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR), the Senator from Alabama (Mr. SHELBY), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Carolina (Mr. DEMINT), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Colorado (Mr. ALLARD), the Senator from New Hampshire (Mr. GREGG), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Nebraska (Mr. NELSON) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. TESTER), the Senator from Washington (Mrs. MURRAY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3458

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3458, a bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac.

S. 3474

At the request of Mr. CARPER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3474, a bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes.

AMENDMENT NO. 5327

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 5327 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5444

At the request of Mr. WARNER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 5444 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5445

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 5445 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5493

At the request of Ms. MIKULSKI, her name and the name of the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 5493 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5499

At the request of Mr. WEBB, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 5499 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5509

At the request of Mr. BAYH, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. DOLE), the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 5509 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5510

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5510 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5520

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 5520 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5541

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 5541 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5550

At the request of Mr. DOMENICI, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 5550 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

AMENDMENT NO. 5581

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 5581 intended to be proposed to S. 3001, an original bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3493. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I make these remarks on behalf of my friend and colleague, Senator BOXER. She and I are cosponsoring legislation, which I will send to the desk at the end of my remarks.

On Friday, at 4:30 p.m., a Union Pacific freight train and a Metrolink commuter train, loaded with 225 commuters, leaving Los Angeles and traveling north through the San Fernando Valley, in the Chatsworth area, collided on a single track. The collision took place at about 40 miles an hour for each train. The engine of the Metrolink train was rammed two-thirds through the first car of the Metrolink train. Here it is. Here is the Union Pacific engine and this mess is the Metrolink engine and it rammed two-thirds through the first car. Thus far, 26 people are dead. Some were dismembered by the crash, some bodies had to be removed in a dismembered state from the train. There are 138 people in the hospital, 40 of them in critical condition, and more deaths could well take place.

This accident happened because of a resistance in the railroad community in America to utilizing existing technology to produce a fail-safe control of trains to avoid colliding with each other and to avoid one train from crashing into the rear of another. Both of these have happened in the past. Yet today there is no requirement for a safe control of track and train.

The House has passed a bill reauthorizing the Federal Railroad Administration. The Senate has passed a bill reauthorizing the Federal Railroad Administration. They both have provisions, although they are different, for safe train control in these bills. But nothing has happened. The bills have not been conferenced. This must stop.

Let me point out for a minute how positive train control works. Every train's position is tracked through global positioning, which is new technology that can monitor its location and speed. These systems constantly watch for excessive speed, improperly aligned switches, whether trains are on the wrong track, unauthorized train movements, and whether trains have missed signals to slow or stop. Each train also has equipment on board that can take over from the engineer if the train doesn't comply with the safety signals. The system will override the engineer and automatically put on the brakes. These systems exist and are in use today. They are in place in the Chicago-Detroit corridor and in the Northeast corridor. But the railroad industry resists them.

I believe rail in America has a very real future. California believes it has a very real future. As a matter of fact, in 5 weeks, California has on the ballot a $10 billion bond issue to create a high-speed rail spine down the center of California that runs from Sacramento all the way down to Los Angeles. Now, people aren't going to ride these trains unless they know they are safe, and we have an obligation, I believe, to provide that safety.

I am sorry to have to say this, but southern California has the most high-risk track in America. The majority of Metrolink's 388 miles of track, which crosses six counties, believe it or not, is shared with freight trains. This is untenable.

Let me ask a question: How can you put commuter trains, passenger trains, on the same track as freight trains going in opposite directions with nothing more than a couple of signals that can be missed, and have been missed, to avert disaster?

Again, over the years, the railroad resisted, saying these systems are too expensive. Well, how expensive is the loss of human life? The cost of any system doesn't come close to the cost of the lives that were lost this past Friday and that will likely be lost in the future.

To date, positive train control has been put to use only in limited areas, including, as I said, parts of the Northeast and Chicago and Detroit. Nine railroads in at least 16 States have these positive control projects, but California is not one of them. Why, I ask. It is critical, particularly when—given the element of human error, which we may well see in this instance—it may well have been a cell phone that was in use at the time of the accident by the engineer.

Let me tell you what sort of hours this engineer works. He works 5 days a week, and it is an 11-hour day. It is a split shift of 15 hours. Let me explain. He is due at work at 6 in the morning. He works until late morning, and then he has 4 hours off but returns to work from 3 p.m. to 9 p.m. That is an 11-hour day in an engine on high alert in major populated areas. He performs a critical function, and he does it on an 11-hour workday on a split shift. I think that is untenable.

The NTSB, the National Transportation Safety Board, has pushed again and again for positive train control systems, particularly after a deadly crash in my own State in Orange County in 2002. Three people died and two hundred sixty were injured. In the Orange County crash, the National Transportation Safety Board concluded that a Burlington Northern engineer and a conductor were talking to each other. They failed to see a yellow warning light telling them to slow down. I think that same thing has happened again. Their freight train slammed into a Metrolink commuter train that had stopped on the same track.

Now, we know that positive, or safe, train control would prevent 40 to 60 accidents a year, 7 fatalities, and 55 injuries a year. So why hasn't it been put in place? I actually believe it is negligence, and I will even go as far to say I believe it is criminal negligence not to do so.

The report also concluded that positive train control could have prevented a fatal collision in Graniteville, SC, in 2005. In this accident, a rail employee failed to properly align a track switch. As a result, several cars derailed, deadly chlorine gases escaped, and nine people died.

Cost is used as the reason not to do this, but I ask: How can we afford not to do it, whatever the cost? How many accidents does it take? How many deaths does it take? How many injuries does it take? Experts estimate that the cost is about $2.3 billion to install safe, technological train controls on 100,000 miles of track around the United States—high priority track.

Today, my colleague, Senator BOXER, and I are introducing legislation which takes the strongest parts of the House and Senate bills and beefs them up. This legislation would require positive safe train controls for major freight and passenger lines. By 2012, areas declared as high risk by the Department of Transportation must run with positive train control systems. Railroads would be required to develop plans to implement these controls within 1 year of enactment of the legislation. These plans must be submitted to the Secretary of Transportation also within 1 year of enactment. It sets a deadline of December 31, 2014, for safe rail control to be in place on all major freight and passenger lines in America. It would be mandatory, and it would require penalties for noncompliance, with fines of up to $100,000 per violation.

Passenger rail will not succeed in this country unless public safety is guaranteed. Again, on Friday, these trains hit at 40 miles per hour. What happens when trains pile into each other at 120 miles per hour?

I have asked the majority leader to include this in the continuing resolution. I don't know whether he will—I think it is a remote possibility—but I do believe we need to get this moving right now.

Once again, look at this. When we know there is global positioning that can be in place to shut down the freight train and the passenger train before they run into each other and we do nothing about it, then I believe this body is also culpable and negligent.

Mr. President, if I might, I send this legislation to the desk with a plea that it be enacted right away, with a plea that we get the planning moving, with a plea that we get 100,000 miles of high-priority track equipped with global positioning so this never again can happen in a high-priority passenger-freight train area where the trains are traveling on the same track. If we don't do it, it is going to happen again.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. HARKIN, Mr. COCHRAN, Mr. VITTER, Mr. OBAMA, Mr. BAYH, and Mr. LUGAR):

S. 3498. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Commerce, Science, and Transportation.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3498

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

SECTION 1. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking ''2008'' and inserting ''2018''.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. 3501. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing, along with the senior Senator from California, Senator FEINSTEIN, the OLC Reporting Act of 2008. In short, the bill would require the Attorney General to report to Congress when the Department of Justice issues a legal opinion concluding that the executive branch is not bound by a statute. Along with the Executive Order Integrity Act of 2008, which I introduced in July with the junior Senator from Rhode Island, Senator WHITEHOUSE, this bill takes an important step toward curbing the executive branch's reliance on secret law.

The principle behind this bill is straightforward. It is a basic tenet of democratic government that the people have a right to know the law. The very notion of ''secret law'' has been described in court opinions and law treatises as ''repugnant'' and ''an abomination.'' That's why the laws passed by Congress have historically been matters of public record.

But the law that applies in this country includes more than just statutes. It includes regulations, the controlling legal interpretations of the executive branch and the courts, and certain Presidential directives. As we learned at a hearing of the Judiciary Committee's Constitution Subcommittee that I chaired in April, this body of executive and judicial law is increasingly being kept secret from the public, and too often from Congress as well. Perhaps the most troubling recent example of secret law is the elaborate legal regime constructed by DOJ's Office of Legal Counsel to justify controversial administration policies that operate outside the framework of statutory law.

An opinion issued by OLC is not just a piece of legal advice, such as the advice individuals or corporations might solicit from their lawyers. An OLC opinion binds the entire executive branch, just like the ruling of a court. If a court were to reach a different interpretation than OLC, the court's interpretation would prevail—but many OLC opinions address matters that courts never have the chance to decide. On those matters, OLC essentially steps into the role of the courts as the final interpreter of the law. In the words of Jack Goldsmith, former head of OLC under President Bush: ''These executive branch precedents are 'law' for the executive branch.''

OLC opinions are ''law'' in another sense as well. Attorney General Mukasey has stated that DOJ will not prosecute a government actor for criminal conduct if he or she relied on an OLC opinion. Thus, even if a court overturns OLC's interpretation, the opinion may grant retroactive immunity for past violations of the law—effectively amending the law that existed at the time of the criminal act.

The Bush administration has relied heavily on secret OLC opinions in a broad range of matters involving core constitutional rights and civil liberties. The administration's policies on interrogation of detainees were justified by OLC opinions that were withheld from Congress and the public for several years. The President's warrantless wiretapping program was justified by OLC opinions that, to this day, have been seen only by a select few Members of Congress. And, when it was finally made public this year, the March 2003 memorandum on torture written by John Yoo was filled with references to other OLC memos that Congress and the public have never seen—on subjects ranging from the Government's ability to detain U.S. citizens without congressional authorization to the Government's ability to operate outside the Fourth Amendment in domestic military operations.

The few opinions whose content has been made public share a notable characteristic: the conclusion that various laws enacted by Congress do not apply to the conduct of the executive branch. The 2003 Yoo torture memo took the alarming position that the executive branch was not bound by the criminal statute prohibiting torture when interrogating detainees. Likewise, according to congressional testimony of former OLC head Steve Bradbury, the President's warrantless wiretapping program was supported by OLC opinions claiming that the President's wiretapping authority was not limited by the constraints of the Foreign Intelligence Surveillance Act. The titles of other OLC opinions referenced in the Yoo memo strongly suggest that other statutory constraints have been disposed of in a similar manner.

The secrecy of these opinions cannot be justified or explained away by a wholesale claim of privilege. To be sure, there are sound arguments for shielding from public disclosure deliberations among OLC lawyers, as well as final OLC opinions that are not adopted as the basis for an executive branch policy. But once a final OLC opinion is issued and adopted by an executive

branch agency or official, that opinion is no longer mere legal advice or a deliberative document—it is effectively the law. Indeed, in his testimony before the Constitution Subcommittee in April, the Deputy Assistant Attorney General for OLC acknowledged that the confidentiality interest in OLC opinions is ''completely different'' for opinions that have been implemented as policy, and that such opinions should be made public ''as fast as possible.'' The Supreme Court expressed the same sentiment in legal terms, holding that ''opinions and interpretations which embody [an] agency's effective law and policy'' are not privileged, precisely because agencies otherwise would be operating under ''secret law.''

There is an even stronger interest in disclosure when an OLC opinion concludes that the executive branch is not bound by a Federal statute. In such cases, the executive branch is no longer operating according to the rules that are on the books, and there is truly a separate—and sometimes conflicting—regime of secret law. Moreover, Congress has an obvious institutional interest in knowing when DOJ opines that the executive branch is not bound by a statute, and the reasons for that opinion. If DOJ concludes that a statute is unconstitutional, Congress may wish to challenge this position, or it may decide to simply rewrite the law to avoid the perceived constitutional problem. Similarly, if DOJ concludes that Congress did not intend for a statute to apply to the executive branch, then Congress should have the opportunity to assess this conclusion and revise the law if necessary to make its intent clear. None of this can happen when Congress is denied access to the opinion.

Recognizing Congress's strong interest in knowing when DOJ takes issue with its enactments, current law requires the Attorney General to report to Congress when DOJ decides that it will not enforce or defend a statute because the statute is unconstitutional. This reporting provision, however, does not reach situations in which OLC stops short of declaring a statute unconstitutional, and instead construes the statute not to apply to the executive branch in order to avoid a finding of unconstitutionality. At the hearing I chaired on secret law, Dawn Johnsen, who served as the head of OLC for 2 years under President Clinton, testified that the law should be amended to require reporting to Congress in these situations as well. Bradford Berenson, former counsel to President Bush from 2001–2003, agreed with this modest proposal.

The bill that Senator FEINSTEIN and I are introducing today grew out of this bipartisan agreement. It was drafted with the substantial assistance and input of Johnsen, Berenson, and an impressive group of some of the finest attorneys to serve in OLC in past years, many of whom are now constitutional scholars. The aim was to craft a targeted bill—one that would allow Congress to be sufficiently informed when OLC purports to release the executive branch from the strictures of a statute, without encroaching on the institutional interests, prerogatives, and privileges of OLC. We took great pains to ensure that an appropriate balance of power was maintained between the legislative and executive branches. The result is an approach that is narrowly tailored and eminently reasonable.

The bill adds a new disclosure requirement to 28 U.S.C. 530D, the statutory provision that requires the Attorney General to report to Congress if DOJ decides not to enforce or defend a statute on the ground that it is unconstitutional. Under the bill, the Attorney General must also report to Congress under four circumstances. These circumstances represent the means by which OLC is most likely to exempt the executive branch from the reach of a statute, in those areas where Congress has the greatest interest in knowing about it.

First, a report is required if DOJ issues an opinion that concludes that a Federal statute is unconstitutional. Current law requires reporting only when DOJ decides not to defend or enforce a statute, which does not necessarily reach cases in which an agency policy conflicts with a statute but DOJ is not presented with the opportunity for an enforcement action.

Second, a report is required if DOJ relies on the so-called ''doctrine of constitutional avoidance'' and cites Article II or the separation of powers—in other words, if DOJ determines that applying a statute to executive branch officials would raise constitutional problems. Regardless of the validity of this determination, the effect is to exempt executive branch officials from the statute's reach—a result that Congress should know about.

Third, a report is required if DOJ relies on a ''legal presumption'' against applying a statute to the executive branch. For example, the Yoo torture memo relied on the legal presumption that laws of general applicability, such as those prohibiting torture, do not apply to the conduct of the military during wartime. The criterion of a ''legal presumption'' serves to keep the reporting requirement narrowly tailored: it captures situations in which the executive branch is exempted from a statute categorically, without requiring reporting in more run-of-the-mill cases where a particular executive action simply does not fall within the statute.

Fourth, a report is required if DOJ determines that a statute has been superseded by a later enactment, when the later enactment does expressly say so. This provision would address situations like OLC's conclusion that the Authorization for Use of Military Force superseded the constraints of the Foreign Intelligence Surveillance Act. In such cases, reporting to Congress gives Congress the opportunity to clarify its intent.

These reporting requirements are accompanied by several provisions to ensure scrupulous respect for executive privileges and prerogatives. The Attorney General would not be required to disclose the OLC opinion itself, as long as the report to Congress includes the information already required under 28 U.S.C. 530D whenever DOJ decides not to enforce or defend a statute—namely, a complete and detailed statement of the relevant issues and background. Furthermore, the bill leaves intact section 530D's provision allowing the Attorney General to exclude privileged information from the statement; the only information that could not be excluded is the date of the opinion, the statute at issue, and which of the four reporting categories the opinion falls within. No report would be required if officials expressly declined to adopt or act on the opinion, thus protecting from disclosure opinions that are truly advisory in nature.

The bill also protects the security of classified information. Information that could harm the national security if disclosed publicly could be provided to Congress in a classified annex. Classified information involving intelligence activities would be reported only to the Intelligence and Judiciary Committees—or, under appropriate circumstances, a more narrow ''Gang of Twelve,'' to parallel the more limited disclosure provisions of the National Security Act.

The bill's targeted focus and careful preservation of executive prerogatives has earned it the support of former officials from both the Clinton and Bush Administrations. Former head of OLC, Dawn Johnsen, and former counsel to President Bush, Bradford Berenson, have written a joint letter endorsing the bill. In their words: ''[W]e believe [the bill] strikes a sensible and constitutionally sound accommodation between the executive branch's need to have candid legal advice, to protect national security information, and to avoid being overburdened by overly intrusive reporting requirements and the legislative branch's need to know the manner in which its laws are interpreted.'' They write that enacting this bill ''would have the effect of enhancing democratic accountability and the rule of law.'' I ask unanimous consent to place this letter in the record along with my statement.

Of course, the bill does not represent a perfect or complete solution to the problem of secret law. For example, it would not reach the now-infamous OLC conclusion that the infliction of pain does not constitute ''torture'' unless it approaches the level associated with ''death, organ failure, or serious impairment of body functions''—an interpretation that effectively exempted the executive branch from the full scope of the anti-torture statute. Moreover, under the provisions of the bill allowing the Attorney General to withhold privileged information, Congress may

well be forced to operate under a significant informational handicap. Nonetheless, the bill represents an important and necessary step toward curbing secret law and restoring the proper balance of power between the executive and legislative branches.

When OLC concludes that a statute passed by Congress does not bind the executive branch, Congress has a right to know that the executive branch is not operating under that statute, and to be apprised of the law under which the executive branch is operating. The bill I am introducing with Senator FEINSTEIN codifies that right. I urge all of my colleagues in the Senate to support this common-sense measure.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3501

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''OLC Reporting Act of 2008''.

SEC. 2. REPORTING.

Section 530D of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) by redesignating subparagraph (C) as subparagraph (D); and

(iii) by inserting after subparagraph (B) the following:

''(C) except as provided in paragraph (3), issues an authoritative legal interpretation (including an interpretation under section 511, 512, or 513 by the Attorney General or by an officer, employee, or agency of the Department of Justice pursuant to a delegation of authority under section 510) of any provision of any Federal statute—

''(i) that concludes that the provision is unconstitutional or would be unconstitutional in a particular application;

''(ii) that relies for the conclusion of the authoritative legal interpretation, in whole or in the alternative, on a determination that an interpretation of the provision other than the authoritative legal interpretation would raise constitutional concerns under article II of the Constitution of the United States or separation of powers principles;

''(iii) that relies for the conclusion of the authoritative legal interpretation, in whole or in the alternative, on a legal presumption against applying the provision, whether during a war or otherwise, to—

''(I) any department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10); or

''(II) any officer, employee, or member of any department or agency established in the executive branch of the Federal Government, including the President and any member of the Armed Forces; or

''(iv) that concludes the provision has been superseded or deprived of effect in whole or in part by a subsequently enacted statute where there is no express statutory language stating an intent to supersede the prior provision or deprive it of effect; or'';

(B) in paragraph (2), by striking ''For the purposes'' and all that follows through ''if the report'' and inserting ''Except as provided in paragraph (4), a report shall be considered to be submitted to the Congress for the purposes of paragraph (1) if the report''; and

(C) by adding at the end the following:

''(3) DIRECTION REGARDING INTERPRETATION.—The submission of a report to Congress based on the issuance of an authoritative legal interpretation described in paragraph (1)(C) shall be discretionary on the part of the Attorney General or an officer described in subsection (e) if—

''(A) the President or other responsible officer of a department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10), expressly directs that no action be taken or withheld or policy implemented or stayed on the basis of the authoritative legal interpretation; and

''(B) the directive described in subparagraph (A) is in effect.

''(4) CLASSIFIED INFORMATION.—

''(A) SUBMISSION OF REPORT CONTAINING CLASSIFIED INFORMATION REGARDING INTELLIGENCE ACTIVITIES.—Except as provided in subparagraph (B), if the Attorney General submits a report relating to an instance described in paragraph (1) that includes a classified annex containing information relating to intelligence activities, the report shall be considered to be submitted to the Congress for the purposes of paragraph (1) if—

''(i) the unclassified portion of the report is submitted to each officer specified in paragraph (2); and

''(ii) the classified annex is submitted to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

''(B) SUBMISSION OF REPORT CONTAINING CERTAIN CLASSIFIED INFORMATION ABOUT COVERT ACTIONS.—

''(i) IN GENERAL.—In a circumstance described in clause (ii), a report described in that clause shall be considered to be submitted to the Congress for the purposes of paragraph (1) if—

''(I) the unclassified portion of the report is submitted to each officer specified in paragraph (2); and

''(II) the classified annex is submitted to—

''(aa) the chairman and ranking minority member of the Select Committee on Intelligence of the Senate;

''(bb) the chairman and ranking minority member of the Committee on the Judiciary of the Senate;

''(cc) the chairman and ranking minority member of the Permanent Select Committee on Intelligence of the House of Representatives;

''(dd) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives;

''(ee) the Speaker and minority leader of the House of Representatives; and

''(ff) the majority leader and minority leader of the Senate.

''(ii) CIRCUMSTANCES.—A circumstance described in this clause is a circumstance in which—

''(I) the Attorney General submits a report relating to an instance described in paragraph (1) that includes a classified annex containing information relating to a Presidential finding described in section 503(a) of the National Security Act of 1947 (50 U.S.C. 413b(a)); and

''(II) the President determines that it is essential to limit access to the information described in subclause (I) to meet extraordinary circumstances affecting vital interests of the United States.'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4);

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

''(3) under subsection (a)(1)(C)—

''(A) not later than 30 days after the date on which the Attorney General, the Office of Legal Counsel, or any other officer of the Department of Justice issues the authoritative legal interpretation of the Federal statutory provision; or

''(B) if the President or other responsible officer of a department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10), issues a directive described in subsection (a)(3) and the directive is subsequently rescinded, not later than 30 days after the date on which the President or other responsible officer rescinds that directive; and''; and

(D) in paragraph (4), as so redesignated, by striking ''subsection (a)(1)(C)'' and inserting ''subsection (a)(1)(D)'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''or of each approval described in subsection (a)(1)(C)'' and inserting ''of the issuance of the authoritative legal interpretation described in subsection (a)(1)(C), or of each approval described in subsection (a)(1)(D)'';

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

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

''(2) with respect to a report required under subparagraph (A), (B), or (C) of subsection (a)(1), specify the Federal statute, rule, regulation, program, policy, or other law at issue, and the paragraph and clause of subsection (a)(1) that describes the action of the Attorney General or other officer of the Department of Justice;'';

(D) in paragraph (3), as so redesignated—

(i) by striking ''reasons for the policy or determination'' and inserting ''reasons for the policy, authoritative legal interpretation, or determination'';

(ii) by inserting ''issuing such authoritative legal interpretation,'' after ''or implementing such policy,'';

(iii) by striking ''except that'' and inserting ''provided that'';

(iv) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(v) by inserting before subparagraph (B), as so redesignated, the following:

''(A) any classified information shall be provided in a classified annex, which shall be handled in accordance with the security procedures established under section 501(d) of the National Security Act of 1947 (50 U.S.C. 413(d));'';

(vi) in subparagraph (B), as so redesignated—

(I) by inserting ''except for information described in paragraph (1) or (2),'' before ''such details may be omitted'';

(II) by striking ''national-security- or classified information, of any''; and

(III) by striking ''or other law'' and inserting ''or other statute'';

(vii) in subparagraph (C), as so redesignated—

(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii), as so redesignated, the following:

''(i) in the case of an authoritative legal interpretation described in subsection (a)(1)(C), if a copy of the Office of Legal Counsel or

other legal opinion setting forth the authoritative legal interpretation is provided;'';

(III) in clause (ii), as so redesignated, by striking ''subsection (a)(1)(C)(i)'' and inserting ''subsection (a)(1)(D)(i)''; and

(IV) in clause (iii), as so redesignated, by striking ''subsection (a)(1)(C)(ii)'' and inserting ''subsection (a)(1)(D)(ii)''; and

(E) in paragraph (4), as so redesignated, by striking ''subsection (a)(1)(C)(i)'' and inserting ''subsection (a)(1)(D)(i)''; and

(4) in subsection (e)—

(A) by striking ''(but only with respect to the promulgation of any unclassified Executive order or similar memorandum or order)''; and

(B) by inserting ''issues an authoritative interpretation described in subsection (a)(1)(C),'' after ''policy described in subsection (a)(1)(A),''.

SEPTEMBER 15, 2008.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington DC.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: We write to convey our strong support for ''The OLC Reporting Act of 2008,'' to be introduced by Senator Feingold and Senator Feinstein. We respectfully urge the committee to give the bill prompt and serious consideration, because we believe that the addition of the reporting requirement it would create would have the effect of enhancing democratic accountability and the rule of law.

We both had the privilege to testify before Senators Feingold and Brownback, and the Subcommittee on the Constitution of the Senate Committee on the Judiciary, on April 30, 2008 in a hearing that examined ''Secret Law and the Threat to Democratic and Accountable Government.'' We served in different administrations, Brad Berenson as Associate Counsel to President George W. Bush and Dawn Johnsen as Acting Assistant Attorney General for the Office of Legal Counsel (OLC) under President Clinton. During our testimony, we found ourselves in substantial agreement about the desirability for new legislation that would require reporting to Congress regarding a limited category of OLC legal opinions.

As a general matter, we share a deep concern about safeguarding the legitimate need for confidentiality in the legal advice OLC provides to the President and others in the executive branch, by power delegated by the Attorney General. For example, in some instances national security information must be protected. In other instances, such as where OLC advises that a proposed action would be illegal, and that advice is accepted, the prospect of immediate and routine disclosure could deter executive branch officials from seeking advice in the first place.

We agree, however, that Congress has a legitimate legislative interest in receiving broader notice than current law provides with respect to certain categories of OLC opinions, which can generally be described as those in which OLC relies on constitutionally based interpretive doctrines to interpret a law in a way that might come as a surprise to Congress. These include the doctrine of ''constitutional avoidance,'' as well as implied repeals or modifications and certain presumptions against applying statutes to the executive branch officials. In our view, OLC opinions that place substantial reliance on such doctrines present the greatest potential for overreaching by the executive branch and thus the greatest need for notification to Congress. If Congress does not know about these interpretations, Congress is unable to consider the possibility of legislative change or clarification.

For this reason, after the hearing we worked closely with Senate staff as well as with a group of other former executive branch officials and Office of Legal Counsel lawyers to help draft ''The OLC Reporting Act of 2008.'' The resulting bill text was the product of careful consideration and negotiation. The bill mandates reporting in a carefully defined category of cases and includes appropriate provisions to protect national security and privileged information. All in all, we believe it strikes a sensible and constitutionally sound balance between the executive branch's need to have access to candid legal advice, to protect national security information, and to avoid being overburdened by unduly intrusive reporting requirements and the legislative branch's need to know the manner in which its laws are interpreted. We both endorse the bill as introduced and urge its prompt enactment.

Sincerely,

BRAD BERENSON,
Sidley Austin.

DAWN JOHNSEN,
Indiana University School of Law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 662—RAISING THE AWARENESS OF THE NEED FOR CRIME PREVENTION IN COMMUNITIES ACROSS THE COUNTRY AND DESIGNATING THE WEEK OF OCTOBER 2, 2008, THROUGH OCTOBER 4, 2008, AS ''CELEBRATE SAFE COMMUNITIES'' WEEK

Mr. BIDEN (for himself, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 662

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement and community partnerships are an effective tool for preventing crime and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources that provide community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the ''Celebrate Safe Communities'' initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas Celebrate Safe Communities will be launched the 1st week of October 2008 to help kick off recognition of October as Crime Prevention Month;

Whereas Celebrate Safe Communities is designed to help local communities highlight the importance of residents and law enforcement working together to keep communities safe places to live, learn, work, and play;

Whereas Celebrate Safe Communities will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas Celebrate Safe Communities will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses safe from crime; and

Whereas the week of October 2, 2008, through October 4, 2008, is an appropriate week to designate as ''Celebrate Safe Communities'' week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week;

(2) commends the efforts of the thousands of local law enforcement agencies and their countless community partners who are educating and engaging residents of all ages in the fight against crime;

(3) asks communities across the country to consider how the Celebrate Safe Communities initiative can help them highlight local successes in the fight against crime; and

(4) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote, during Celebrate Safe Communities week and year-round, individual and collective action in collaboration with law enforcement and other supporting local agencies to reduce crime and build safer communities throughout the United States.

SENATE CONCURRENT RESOLUTION 99—HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA FOR ITS 100 YEARS OF COMMITMENT TO HIGHER EDUCATION.

Mr. HAGEL submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 99

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house,

library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table.

SA 5597. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr . THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBACK) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5607. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself , Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of the Navy'' and inserting ''(1) The Secretary of the Navy''; and

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

''(2) The Secretary of the Army may carry out a project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at a location with significant identified barracks deficiencies.'';

(2) in subsection (b), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(3) in subsection (d)(1), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(4) in subsection (e)(1), by striking ''The Secretary of the Navy shall transmit'' and inserting ''The Secretaries of the Army and Navy shall each transmit''; and

(5) in subsection (f)—

(A) by striking ''The authority'' and inserting ''(1) The authority''; and

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

''(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.''.

SA 5597. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1433. INTELLIGENCE TRAINING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note) is amended to read as follows:

"SEC. 922. INTELLIGENCE TRAINING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of National Intelligence.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) PROGRAM.—The term 'program' means the grant program authorized by subsection (b).

''(b) AUTHORITY.—The Director is authorized to establish, determine the scope of, and carry out a grant program to promote language analysis, intelligence analysis, and scientific and technical training, as described in this section.

''(c) PURPOSE.—The purpose of the program shall be to increase the number of individuals qualified for an entry-level position within an element of the intelligence community by providing—

''(1) grants to qualified institutions of higher education, as described in subsection (d); and

''(2) grants to qualified individuals, as described in subsection (e).

''(d) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

''(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(3) The Director shall award a grant to an institution of higher education under this subsection—

''(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community upon completion of study at such institution; and

''(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

''(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

''(e) GRANTS TO INDIVIDUALS.—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

''(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

''(B) that will prepare such individual for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

''(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

''(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

''(B) To pay the individual's full tuition to permit the individual to complete such a course of study.

''(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

''(D) To pay the individual's expenses for travel that is requested by an element of the intelligence community related to the program.

''(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

''(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(C) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

''(4) An individual who receives a grant under this subsection, at a threshold amount to be determined by the Director, shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

''(5) If an individual who receives a grant under this subsection—

''(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

''(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

''(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

''(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

''(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

''(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

''(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

''(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

''(f) MANAGEMENT.—In carrying out the program, the Director shall—

''(1) be responsible for the oversight of the program and the development of policy guidance and implementing procedures for the program;

''(2) solicit participation of institutions of higher education in the program through appropriate means; and

''(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

''(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

''(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.''.

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Intelligence training program.''.

(B) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Intelligence training program.''.

(b) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that for each fiscal

year after fiscal year 2009, Congress should not appropriate funds for the program established under section 922(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, as amended by subsection (a)(1), in an amount that exceeds the amount of funds requested for that program in the budget for that fiscal year submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20, strike ''subsection.''.'' and insert ''subsection.

''(4) MAXIMUM AMOUNT FOR CONSOLIDATED SCHOOL DISTRICTS.—Notwithstanding any other provision of this section, a local educational agency that is formed at any time after 1938 by the consolidation of 2 or more former school districts, of which at least 1 former district was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, shall not be eligible under this section for an amount that is more than the total of the amount that each of the former districts received under this section for the fiscal year preceding the year of the consolidation.''.

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 722. REPORT ON COGNITIVE REHABILITATION FOR MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth the evidence to be required from a long term, integrated study on treatment strategies for cognitive rehabilitation for members of the Armed Forces who have sustained a Traumatic Brain Injury (TBI) in order to permit the Department to Defense to determine how receipt of cognitive rehabilitation by such members for Traumatic Brain Injury could be reimbursed as a health care benefit.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ———. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) INTERNATIONAL MAIL.—

''(1) IN GENERAL.—

''(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

''(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

''(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

''(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

''(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

''(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

''(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

''(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

''(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

''(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

''(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

''(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

''(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

''(B) its demand for lift exceeds the space available to it under existing contracts and—

''(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

''(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

''(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).''.

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking ''39.'' and inserting ''39, and in foreign air transportation under section 5402(b) and (c) of title 39.''.

(2) Section 41901(b)(1) is amended by striking ''in foreign air transportation or''.

(3) Section 41902 is amended—

(A) by striking ''in foreign air transportation or'' in subsection (a);

(B) by striking subsection (b) and inserting the following:

''(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to transport mail in Alaska;

''(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

''(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.'';

(C) by striking ''subsection (b)(3)'' each place it appears in subsections (c)(1) and (d) and inserting ''subsection (b)(2)''; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking ''in foreign air transportation or'' each place it appears.

(5) Section 41904 is amended—

(A) by striking ''**to or in foreign countries**'' in the section heading;

(B) by striking ''to or in a foreign country'' and inserting ''between two points outside the United States''; and

(C) by inserrting after ''transportation.'' the following: ''Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.''.

(6) Section 41910 is amended by striking the first sentence and inserting ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.''.

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.'' and inserting ''mail.''.

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking ''at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49'' and inserting ''or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title'';

(B) by striking ''at rates not to exceed those so fixed and determined for scheduled United States air carriers'';

(C) by striking ''scheduled'' each place it appears and inserting ''certificated''; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting ''''foreign air carrier'.'' after ''''interstate air transportation','' in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

''(7) the term 'certificated air carrier' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;'';

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

''(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;''; and

(D) by inserting ''foreign air carrier,'' after ''terms'' in paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR AFGHANISTAN, PAKISTAN, AND INDIA.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of Afghanistan, Pakistan, and India work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President should appoint a special envoy to promote closer cooperation among the countries referred to in subsection (a).

(c) APPOINTMENT.—The special envoy will be appointed with the advice and consent of the Senate and shall have the rank of ambassador.

(d) DUTIES.—The primary responsibility of the special envoy, reporting through the Assistant Secretary of State for South and Central Asia, shall be to strengthen and facilitate relations among the countries referred to in subsection (a) for the benefit of stability and economic growth in the region.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the Bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Partnership with Pakistan Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country's populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan's Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, ''The Terrorist Threat to the U.S. Homeland'', the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.

(a) SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.—It is the sense of Congress that there should be authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its ''Poverty Reduction Strategy Paper'', to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to

the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism and the primary support for military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO-08-806); and

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts greater than $5 million awarded by the Department of Defense to implement new programs or projects, including congressional initiatives, shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract maybe awarded by the Department of Defense to implement a new program or project, including a congressional initiative, unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project including a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (I)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(A) cannot be implemented without a waiver; and

(B) will help meet important national defense needs.

(b) Congressional Initiative Defined.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Child Soldiers Prevention

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Child Soldiers Prevention Act of 2008''.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term ''child soldier''—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act

(22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.''.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBACK) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 strike line 4 to the end and insert the following:

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Child Soldiers Prevention Act of 2008''.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term ''child soldier''—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act (22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection

(a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.''.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1041. SENSE OF SENATE ON LEGISLATIVE ACTION REGARDING HABEAS CORPUS REVIEW FOR DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) Seven years after the terrorist attacks of September 11, 2001, the perpetrators of that heinous deed have yet to be brought to justice.

(2) Policies that circumvent the requirements of the United States Constitution and international treaties to which the United States is a signatory have created a legal morass that has undermined efforts to bring accused terrorists to justice.

(3) On four occasions, the Supreme Court has rejected the current Administration's legal rules for individuals at Guantanamo Bay, Cuba, and elsewhere, causing years of delay and uncertainty:

(A) In Rasul v. Bush, 542 U.S. 466 (2004), the Supreme Court held that the Federal habeas corpus statute applied to detainees held at Guantanamo Bay.

(B) In Hamdi v. Rumsfeld, 542 U.S. 507 (2004), the Supreme Court held that a United States citizen detained as an enemy combatant on United States soil must be provided a meaningful opportunity to challenge the factual basis for his detention.

(C) In Hamdan v. Rumsfeld, 548 U.S. 557 (2006), the Supreme Court held that the military commissions established by the Administration violated the Uniform Code of Military Justice and the Geneva Conventions.

(D) Most recently, in Boumediene v. Bush, 128 S.Ct. 2229 (2008), the Supreme Court held unconstitutional relevant provisions of the Military Commissions Act of 2006 (Public Law 109–366), finding that the detainees at Guantanamo Bay have a right to challenge the legality of their detention under the United States Constitution.

(4) It is important that Congress proceed in a deliberate and thoughtful way to write rules for the treatment of alleged terrorists that will pass constitutional muster.

(5) Such rules should allow the United States Government to detain, interrogate, and try terrorists who harm the American people or conspire to do so, while also providing procedures that result in a reliable determination of whether the detainee has in fact engaged in such conduct.

(6) Committees of Congress should continue to hold public hearings, consult with national security and legal experts, and take the time to write responsible, bipartisan legislation regarding this complex issue as necessary.

(7) Federal judges in the District of Columbia have already begun to consider habeas corpus petitions filed by detainees at Guantanamo Bay and are well equipped to manage the pending litigation. The Supreme Court, in Boumediene v. Bush, expressed confidence that any remaining questions ''are within the expertise and competence of the District Court to address in the first instance''.

(8) The Federal courts have consolidated all of the habeas corpus cases of Guantanamo Bay detainees in the District Court for the District of Columbia, and the chief judge of that court is coordinating key procedural issues in these cases.

(9) Federal courts have a long history of considering habeas corpus petitions in sensitive cases and can be trusted to adjudicate these matters in a manner that does not compromise national security in any respect.

(10) The Federal courts—particularly those of the District of Columbia—have repeatedly demonstrated that they can protect classified information. Federal judges responsibly handled classified information in the cases of Rasul v. Bush, Hamdan v. Rumsfeld, and Boumediene v. Bush, and in the review process under the Detainee Treatment Act in such cases as Bismullah v. Gates, 501 F.3d 178 (D.C. Cir. 2007), and Parhat v. Gates, 532 F.3d 834 (D.C. Cir. 2008). Extensive experience with the Classified Information Procedures Act (CIPA) and the Freedom of Information Act (FOIA) further demonstrates the competence of Federal judges to handle highly sensitive information in a manner that fully addresses national security concerns.

(11) Both candidates for President of the major political parties have called for significant changes to detention operations at Guantanamo Bay. A new President should be afforded an opportunity to review existing policies and make such recommendations to Congress as he considers necessary and appropriate.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in Boumediene v. Bush presents complex legal and logistical issues that cannot be satisfactorily resolved in the closing weeks of the 110th Congress;

(2) Congress should enact legislation to address these complex matters, as necessary, only after careful and responsible deliberation;

(3) a hasty legislative response to the Boumediene v. Bush decision would unduly complicate pending litigation and could result in another judicial reversal that would set back the goal of establishing stable and effective anti-terror detention policies;

(4) the committees of Congress having jurisdiction should undertake, after the convening of the 111th Congress, a full review of the legal and policy issues presented by the opinion in Boumediene v. Bush; and

(5) the new President should conduct a comprehensive review of anti-terror detention policies and should make recommendations to Congress during his first six months in office for such legislation as he considers necessary to carry out an effective strategy for preventing terrorism and bringing alleged terrorists to justice.

SA 5607. Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1083. SENSE OF THE SENATE ON SUPPORT OF CZECH REPUBLIC AND POLAND FOR MISSILE DEFENSE EFFORTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Heads of State and Government of the North Atlantic Treaty Organization (NATO) agreed at the Bucharest Summit on April 3, 2008, that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations''.

(2) As part of a broad response to counter the ballistic missile threat, the Heads of State and Government of NATO ''recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(3) At the Bucharest Summit, the NATO Heads of State and Government stated that, with respect to the planned deployment of United States missile defense capability, ''[w]e are exploring ways to link this capability with current NATO missile defence efforts as a way to ensure that it would be an integral part of any future NATO wide missile defence architecture''.

(4) At the Bucharest Summit, the NATO Heads of State and Government stated that, ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(5) On July 8, 2008, the United States Government and the Government of the Czech Republic signed an agreement on the stationing of a United States radar facility in the Czech Republic to track ballistic missiles.

(6) On August 20, 2008, the United States Government and the Government of Poland signed an agreement on the stationing of 10 ground-based missile defense interceptors in Poland.

(7) Supplemental Status of Forces Agreements (SOFA) regarding the missile defense deployment agreements, not yet signed, are required elements of any final agreements to deploy the planned missile defense capabilities in the Czech Republic and Poland.

(8) In order to take legal effect, any final bilateral missile defense agreements must be submitted to and ratified by the parliaments of the Czech Republic and Poland, respectively.

(9) The deployment of the planned United States missile defense system in the Czech Republic and Poland would not provide protection to southeastern portions of NATO territory against missile attack. Additional missile defense capabilities would be required to protect these areas against missile attack, including against existing short- and medium-range missile threats.

(10) According to the Director of Operational Test and Evaluation, the ground-based interceptor planned to be deployed in Poland would require three flight tests to demonstrate whether it could accomplish its mission in an operationally effective manner. Such testing is not expected to begin before the fall of 2009, and is unlikely to be concluded before 2011.

(11) The Government of Iran continues to defy international calls to cease its uranium enrichment program, has deployed hundreds of short- and medium-range ballistic missiles, and continues to develop and test ballistic missiles of increasing range, as well as a space launch vehicle.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decisions by the Governments of Poland and the Czech Republic to station elements of a missile defense system on their territory are a clear affirmation of the commitment of those governments to support the defense of NATO member states, including the United States, against the threat of long-range ballistic missiles;

(2) the Senate—

(A) recognizes the importance of these decisions taken by the Governments of Poland and the Czech Republic, as well as the statements made by NATO Heads of State and Government relative to missile defense at the Bucharest Summit in April 2008; and

(B) notes the care and seriousness with which the Governments of Poland and the Czech Republic have undertaken their evaluation and consideration of these issues; and

(3) these decisions will deepen the strategic relationship between the United States Government and the Governments of Poland and the Czech Republic and could make a substantial contribution to the collective capability of NATO to counter future long-range ballistic missile threats.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the requirements of section 226 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 41), or [section 232] of this Act.

SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

''(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

''(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Tuesday that precedes the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.''.

(2) EFFECTIVE DATE.—Section 103A of the Uniformed and Overseas Citizens Absentee

Voting Act, as added by this subsection, shall apply with respect to the regularly scheduled general election for Federal office held on or after—

(A) November 2008; or

(B) if the Presidential designee determines that such date is not feasible, a date determined feasible by the Presidential designee (but in no case later than November 2010).

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

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

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff—1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

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

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEDURES.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the congressional defense committees a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of the program and a detailed description of the specific steps taken towards its implementation for November 2008, November 2009, and November 2010.

(f) DEFINITIONS.—In this section:

(1) The term ''absent overseas uniformed services voter'' has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term ''Presidential designee'' means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SEC. 588. PROHIBITION ON REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(e) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required on the official post card form prescribed under section 101 (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required to be submitted with such ballot by the Presidential designee (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SECTION 2822. EASTLAKE, OHIO.

(a) RELEASE OF RESTRICTIONS.—Subject to the requirements of this section, the Administrator of General Services is authorized to release the restrictions contained in the deed that conveyed to the city of Eastlake, Ohio, the parcel of real property described in subsection (b).

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the site of the John F. Kennedy Senior Center located at 33505 Curtis Boulevard, city of Eastlake, Ohio, on 10.873 acres more or less as conveyed by the deed from the General Services Administration dated July 20, 1964, and recorded in the Lake County Ohio Recorder's Office in volume 601 at pages 40–47.

(c) CONSIDERATION.—

(1) IN GENERAL.—The city of Eastlake shall pay to the Administrator $30,000 as consideration for executing the release under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into the Federal Buildings Fund under paragraph (2) shall be available for the uses described in section 592(b) of title 40, United States Code.

(d) FILING OF INSTRUMENTS TO EXECUTE RELEASE.—The Administrator shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release under subsection (a).

SEC. 2823. KOOCHICHING COUNTY, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to the requirements of this section, the Administrator of General Services shall convey to Koochiching County, Minnesota, the parcel of real property described in subsection (b), including any improvements thereon.

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the approximately 5.84 acre parcel located at 1804 3rd Avenue in International Falls, Minnesota, which is the former site of the Koochiching Army Reserve Training Center.

(c) QUITCLAIM DEED.—The conveyance of real property under subsection (a) shall be made through a quit claim deed.

(d) CONSIDERATION.—

(1) IN GENERAL.—Koochiching County shall pay to the Administrator $30,000 as consideration for a conveyance of real property under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) (less expenses of the conveyance) into a special account in the Treasury established under section 572(b)(5)(A) of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into a special account under paragraph (2) shall be available to the Secretary of the Army in accordance with section 572(b)(5)(B) of title 40, United States Code.

(e) REVERSION.—The conveyance of real property under subsection (a) shall be made on the condition that the property will revert to the United States, at the option of the United States, without any obligation for repayment of the purchase price for the property, if the property ceases to be held in public ownership or ceases to be used for a public purpose.

(f) OTHER TERMS AND CONDITIONS.—The conveyance of real property under subsection (a) shall be made subject to such other terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(g) DEADLINE.—The conveyance of real property under subsection (a) shall be made

not later than 90 days after the date of enactment of this Act.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF ''SMALL ARMS PRODUCTION INDUSTRIAL BASE''.—Section 2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: '', and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense''.

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—Not later than September 30, 2009, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(1) whether any firms included in the small arms production industrial base should be eliminated or modified and whether any additional firms should be included; and

(2) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a pilot program that creates a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

''(b) CONCEPT OF OPERATIONS.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Office of Federal Procurement Policy, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide the appropriate congressional committees a concept of operations (CONOPS) that provides details on the organizational structure of the Corps, chain of command for on-call and deployed members of the Corps, training and equipment requirements for members of the Corps, and funding requirements related to the operation, training, and equipping of the Corps, and any other matters relating to the efficient establishment and operation of the Corps.

''(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(d) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary's designee, must concur in the Administrator's deployment determinations.

''(g) ANNUAL AND FINAL PILOT PROGRAM REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—The Administrator shall provide to the appropriate congressional committees an annual report on the status of the Corps.

''(B) CONTENT.—At a minimum, each report under subparagraph (A) shall include the number of members of the Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.

''(2) PILOT PROGRAM REPORT.—

''(A) IN GENERAL.—Not later than four years after the concept of operations required by subsection (b) is provided to the appropriate congressional committees, the Administrator, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide an assessment of the pilot program established by this section and make any recommendations relating to continuation or modification of the Corps.

''(B) CONTENT.—At a minimum, the report required by subparagraph (A) shall include, disaggregated by year and in summary, the number of members of the Corps, training accomplished, equipment provided, the fully burdened cost of operating the program, any operations for which the Corps was deployed, an assessment of the effectiveness of the command and control structure for the Corps, an assessment of the integration of deployed members of the Corps with other agencies (both at the members' parent agencies and while deployed), and the performance of members of the Corps during any deployments.

''(h) EFFECTIVE DATES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section shall take effect upon the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(2) ESTABLISHMENT AND DEPLOYMENT OF CORPS.—The Administrator may not establish or deploy the Corps until the concept of operations required by subsection (b) has been submitted to the appropriate congressional committees.

''(3) PILOT PROGRAM TERMINATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the authority provided under this section shall terminate five years after submission to the appropriate congressional committees of the concept of operations required by subsection (b).

''(B) NO EFFECT ON ONGOING DEPLOYMENTS.—Expiration of the authority provided under this section shall not affect any deployment of the Corps that occurred prior to the termination of the authority under subparagraph (A), and any such deployment shall continue as authorized by this section prior to its termination.

''(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Foreign Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 44. Contingency Contracting Corps.''.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this section as ''South Ossetia'') and the Autonomous Republic of Abkhazia (referred to in this section as ''Abkhazia''), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished its standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements;

(3) the United States continues to have interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can, over time, serve as the basis for improved long-term relations;

(4) the Government of the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through

the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. WATER CONSERVATION INVESTMENT PROGRAM.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the ''Department of Defense Water Conservation Investment Program Account'' (in this section referred to as the ''Account'').

(b) CREDITS TO ACCOUNT.—The Account shall consist of the following:

(1) Amounts appropriated to the Account.

(2) Amounts transferred pursuant to appropriations Acts to the Account from operation and maintenance or military construction accounts of the Department of Defense.

(c) USE OF FUNDS.—To the extent provided in appropriations Acts, funds in the account may be used—

(1) to carry out construction or other projects authorized by section 2866 of title 10, United States Code; or

(2) to comply with the requirements of Executive Order No. 13423 (January 24, 2007) or any successor Executive Order relating to water conservation.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes; as follows:

Strike section 311.

Strike section 401 and insert the following:

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

On page 47, between lines 20 and 21, insert the following:

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges''.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2008.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

''(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(E) A description of steps taken to encourage the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(F) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.''.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.''; and

(5) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2014''.

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SMALL HIGH-TECH FIRMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2011''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 23, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine why diesel fuel prices have been so high, and what can be done to address the situation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to *Rosemarie Calabro@energy.senate.gov*

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10:30 a.m., in room 253V the Russell Senate Office Building.

In this hearing, the Committee will receive testimony regarding the consumer benefits of broadband service in areas such as education, job opportunities, telemedicine, and access to government resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on EPA's Children's Health Protection Efforts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Aligning Incentives: The Case for Delivery System Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Restoring the Rule of Law'' on Tuesday, September 16, 2008, at 10:15 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. CANTWELL. Mr. President, I ask unanimous consent that Nora Adkins, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the second session of the 110th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Jerry Acosta, a military fellow in my office, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 3001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5893 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5893) was ordered to a third reading, was read the third time, and passed.

DISTRICT OF COLUMBIA AMENDMENT ACT, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 900, H.R. 5551.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5551) was ordered to a third reading, was read the third time, and passed.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 947, S. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3023) to amend Title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3023

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2008''.

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

Sec. 1. Short title.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 104. Conforming amendment relating to non-deductibility from veterans' disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 105. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
Sec. 106. Report on studies regarding compensation of veterans for loss of earning capacity and quality of life and on long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

TITLE II—HOUSING MATTERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Enhancement of refinancing of home loans by veterans.
Sec. 203. Four-year extension of demonstration projects on adjustable rate mortgages.
Sec. 204. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with a service-connected disability.
Sec. 205. Report on impact of mortgage foreclosures on veterans.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 301. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.
Sec. 302. Reform of USERRA complaint process.
Sec. 303. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
Sec. 304. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
Sec. 305. Report on the employment needs of Native American veterans living on tribal lands.
Sec. 306. Report on measures to assist and encourage veterans in completing vocational rehabilitation.

Subtitle B—Education Matters

Sec. 311. Relief for students who discontinue education because of military service.
Sec. 312. Modification of period of eligibility for Survivors' and Dependents' Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.
Sec. 313. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
Sec. 314. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 315. Change of programs of education at the same educational institution.
Sec. 316. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.

Subtitle C—Other Matters

Sec. 321. Designation of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

Sec. 401. Increase in number of active judges on the United States Court of Appeals for Veterans Claims.
Sec. 402. Protection of privacy and security concerns in court records.
Sec. 403. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 404. Annual reports on workload of the United States Court of Appeals for Veterans Claims.

TITLE V—INSURANCE MATTERS

Sec. 501. Report on inclusion of severe and acute Post Traumatic Stress Disorder among conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 502. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
Sec. 503. Other enhancements of Servicemembers' Group Life Insurance coverage.

TITLE VI—OTHER MATTERS

Sec. 601. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.
Sec. 602. Memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 603. Three-year extension of authority to carry out income verification.
Sec. 604. Three-year extension of temporary authority for the performance of medical disability examinations by contract physicians.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ''(1)'' before ''Upon receipt''; and

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

''(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

''(B) The regulations required by this paragraph—

''(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

''(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

''(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

''(iv) shall specify the time period limitations required pursuant to subsection (b).''.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''.

SEC. 103. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) INDEXING TO SOCIAL SECURITY INCREASES.—Section 5312 is amended by adding at the end the following new subsection:

''(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

''(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

''(A) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of this title.

''(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

''(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

''(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

''(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

''(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

''(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

''(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

''(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).''.

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on December 1, 2009.

SEC. 104. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking 'as required by section 1212(c) of title 10' and inserting 'to the extent required by section 1212(d) of title 10'.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 105. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to eliminate such differences.

SEC. 106. REPORT ON STUDIES REGARDING COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) FINDING.—Congress finds that the Secretary of Veterans Affairs entered into a contract in February 2008 to conduct two studies as follows:

(1) A study on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.

(2) A study on the feasability and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall submit to Congress a report on the studies referred to in subsection (a).

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A comprehensive description of the findings and recommendations of the studies.

(B) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(C) For each action proposed to be taken as described in subparagraph (B), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(D) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in subparagraph (B).

(3) SUBMITTAL DATE.—The report required by this subsection shall be submitted not later than 210 days after the date of the enactment of this Act.

TITLE II—HOUSING MATTERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) is amended by striking ''90 percent'' and inserting ''95 percent''.

SEC. 203. FOUR-YEAR EXTENSION OF DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES.

(a) DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) is amended by striking ''during fiscal years 1993 through 2008'' and inserting ''during the period beginning with the beginning of fiscal year 1993 and ending at the end of fiscal year 2012''.

(b) DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 204. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.

The Secretary of Veterans Affairs may provide assistance under chapter 21 of title 38, United States Code, to a member of the Armed Forces serving on active duty who is suffering from a disability described in section 2101 of such title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under chapter 21 of such title.

SEC. 205. REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A general assessment of the income of veterans who have recently separated from the Armed Forces.

(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 301. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking ''Unless the Secretary'' and all that follows through ''the period of a program'' and inserting ''(1) Except as provided in paragraph (2), the period of a program''; and

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

''(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

''(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

''(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

''(B) In this paragraph, the term 'Post-9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.''.

SEC. 302. REFORM OF USERRA COMPLAINT PROCESS.

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

''(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

''(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.''.

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting ''in writing'' after ''submitted the complaint''.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.''.

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting ''Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.'' after ''to the Attorney General.''.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking ''The Secretary shall refer'' and inserting ''Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer''.

(e) NOTIFICATION OF REPRESENTATION.—

(1) NOTIFICATION BY ATTORNEY GENERAL.—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

''(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

''(B) notify such person in writing of such decision.''.

(2) NOTIFICATION BY SPECIAL COUNSEL.—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

''(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

''(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

''(ii) notify such person in writing of such decision.''.

(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

''§ 4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

''(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

''(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

''(B) shall not affect the right of a person—

''(i) to commence an action under section 4323 of this title;

''(ii) to submit a complaint under section 4324 of this title; or

''(iii) to obtain any type of assistance or relief authorized by this chapter;

''(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

''(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

''(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

''(b) INAPPLICABILITY OF STATUTES OF LIMITATIONS.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a violation of this chapter, there shall be no limit on the period for filing the complaint or claim.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4326 the following new item:

''4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.''.

(3) CONFORMING AMENDMENT.—Section 4323 is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is amended by striking ''and no later than February 1, 2005'' and all that follows through the ''such February 1:'' and inserting '', transmit to Congress not later than July 1 each year a report on matters for the fiscal year ending in the year before the year in which such report is transmitted as follows:''.

(b) MODIFICATION OF ANNUAL REPORTS BY SECRETARY.—Such section is further amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

''(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.''.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard and Reserve of the Department of Defense that involve the same person.

''(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

''(A) the number of such cases that involve a disability-related issue; and

''(B) the number of such cases that involve a person who has a service-connected disability.''; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking ''or (4)'' and inserting ''(4), or (5)''.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(b) QUARTERLY REPORTS.—

''(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

''(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.

''(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

''(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

''(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.''.

(d) UNIFORM CATEGORIZATION OF DATA.—Such section is further amended by adding at the end the following new subsection:

''(c) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

''(1) the information in the reports required by this section is categorized in a uniform way; and

''(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.''.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 302 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.

SEC. 304. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) TRAINING REQUIRED.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

''§ 4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

''(a) TRAINING REQUIRED.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

''(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

''(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

''(b) CONSULTATION.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

''(c) FREQUENCY.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal executive agencies are kept fully and currently informed of the matters covered by the training.

''(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term 'human resources personnel', in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

''4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.''.

SEC. 305. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to Congress a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander) veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—

(1) a review of current and prior government-to-government relationships between tribal organizations and the Veterans' Employment and Training Service of the Department of Labor; and

(2) recommendations for improving employment and job training opportunities for Native American veterans on tribal land, especially through the utilization of resources for veterans.

(b) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given such term in section 3765(4) of title 38, United States Code.

SEC. 306. REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized in other disability systems in the United States, and in other countries, to encourage completion of vocational rehabilitation by persons covered by such systems.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to undergo and complete vocational rehabilitation.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(5) The report of the President's Commission on Care for America's Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.

(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.

(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

Subtitle B—Education Matters

SEC. 311. RELIEF FOR STUDENTS WHO DISCONTINUE EDUCATION BECAUSE OF MILITARY SERVICE.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended by adding at the end the following new section:

''SEC. 707. TUITION, REENROLLMENT, AND STUDENT LOAN RELIEF FOR POSTSECONDARY STUDENTS CALLED TO MILITARY SERVICE.

''(a) TUITION AND REENROLLMENT.—In the case of a servicemember who because of military service discontinues a program of education at a covered institution of higher education that administers a Federal financial aid program, such institution of higher education shall—

''(1) refund to such servicemember the tuition and fees paid by such servicemember from personal funds, or from a loan, for the portion of the program of education for which such servicemember did not receive academic credit because of such military service; and

''(2) provide such servicemember an opportunity to reenroll in such program of education with the same educational and academic status such servicemember had when such servicemember discontinued such program of education because of such military service.

''(b) INTEREST RATE LIMITATION ON STUDENT LOANS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, a student loan shall be considered an obligation or liability for the purposes of section 207.

''(2) EXCEPTION.—Subsection (c) of section 207 shall not apply to a student loan.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered institution of higher education' means a 2-year or 4-year institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that participates in a loan program under title IV of that Act (20 U.S.C. 1070 et seq.).

''(2) The term 'Federal financial aid program' means a program providing loans made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).

''(3) The term 'student loan' means any loan, whether Federal, State, or private, to assist an individual to attend an institution of higher education, including a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).''.

(b) CLERICAL AMENDMENT.—The table of contents in section (1)(b) of such Act is amended by adding at the end the following new item:

''Sec. 707. Tuition, reenrollment, and student loan relief for postsecondary students called to military service.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect for periods of military service beginning after the date of the enactment of this section.

SEC. 312. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

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

''(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.''.

SEC. 313. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 314. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 315. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' after ''(d)'';

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking ''or'' at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

''(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.''.

SEC. 316. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.''.

Subtitle C—Other Matters

SEC. 321. DESIGNATION OF THE OFFICE OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DESIGNATION.—The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)).

(b) HEAD.—The Director of Small Business Programs is the head of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

SEC. 401. INCREASE IN NUMBER OF ACTIVE JUDGES ON THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253(a) is amended by striking ''seven judges'' and inserting ''nine judges''.

SEC. 402. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the following new subsection:

''(c)(1) The Court shall prescribe rules, in accordance with section 7264(a) of this title, to protect privacy and security concerns relating to all filing of documents and the public availability under this subsection of documents retained by the Court or filed electronically with the Court.

''(2) The rules prescribed under paragraph (1) shall be consistent to the extent practicable with rules addressing privacy and security issues throughout the Federal courts.

''(3) The rules prescribed under paragraph (1) shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.''.

SEC. 403. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 404. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:

''(1) The number of appeals filed with the Court.

''(2) The number of petitions filed with the Court.

''(3) The number of applications filed with the Court under section 2412 of title 28.

''(4) The total number of dispositions by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) A multi-judge panel of the Court.

''(E) The full Court.

''(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

''(6) The median time from filing an appeal to disposition by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

''(7) The median time from filing a petition to disposition by the Court.

''(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

''(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

''(10) The number of oral arguments before the Court.

''(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

''(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

''(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

''(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

TITLE V—INSURANCE MATTERS

SEC. 501. REPORT ON INCLUSION OF SEVERE AND ACUTE POST TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasability and advisability of including severe and acute Post Traumatic Stress Disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:

(1) The advisability of providing traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code, for Post Traumatic Stress Disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who suffer severe and acute from Post Traumatic Stress Disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute Post Traumatic Stress Disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965(10) is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SEC. 503. OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Section 1967(a)(1)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1967(a)(5)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Section 1969(g)(1)(B) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans' Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code (as amended by section 502 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

TITLE VI—OTHER MATTERS

SEC. 601. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

(a) AUTHORITY.—Section 3711(f) of title 31, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

(b) EQUITABLE REFUND OF AMOUNTS COLLECTED.—The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

SEC. 602. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

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

SEC. 603. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SEC. 604. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

Amend the title so as to read: ''A Bill to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.''.

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 3023, the proposed Veterans' Benefits Improvement Act of 2008, as reported by the Committee on Veterans' Affairs. This omnibus veterans' benefits bill will provide much needed support to our Nation's veterans. It contains six titles and 34 provisions that are designed to enhance compensation, housing, labor and education, and insurance benefits for veterans. A full explanation of the bill is available in the committee's report accompanying this legislation, Senate Report 110–449.

I believe that it is important that we view veterans' compensation, and indeed all benefits earned by veterans, as a continuing cost of war. This legislation reflects that perspective.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today.

This legislation would result in improved notices being sent to veterans concerning their claims for VA benefits. Following a number of decisions by the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, VA's notification letters to veterans about the status of their claims have become increasingly long, complex, and difficult to understand. These notification letters must be simplified, as veterans,

VA, veterans' advocates, and outside review bodies have all recommended. The notices should focus on the specific type of claim presented. They should use plain and ordinary language rather than bureaucratic jargon. Veterans should not be subjected to confusing information as they seek benefits.

To further improve the VA compensation system, this legislation would end the prohibition on judicial review in the United States Court of Appeals for the Federal Circuit of matters concerning the VA rating schedule. VA issues regulations which are used to assign ratings to veterans for particular disabilities. Under current law, actions concerning the rating schedule are not subject to judicial review unless a constitutional challenge is presented. This legislation would amend the law to treat actions concerning the rating schedule in the same manner as all other actions concerning VA regulations.

I expect VA to comply with all laws passed by Congress in developing and revising the Rating Schedule. However, justice to our Nation's veterans requires that actions concerning the rating schedule be subject to the same judicial scrutiny as is available for the review of actions involving other regulations.

VA's home loan guaranty program may exempt homeowners from having to make a down payment or secure private mortgage insurance, depending on the size of the loan and the amount of the VA guaranty. In general, eligibility is extended to veterans who served on active duty for a minimum of 90 days during wartime, or 181 continuous days during peacetime, and have a discharge other than dishonorable. Members of the Guard and Reserve who have never been called to active duty must serve a total of six years in order to be eligible for the benefit. Certain surviving spouses are also eligible for the housing guaranty.

Public Law 108–454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved.

The Economic Stimulus Act of 2008, Public Law 110–185, temporarily reset the maximum limits on home loans that the Federal Housing Administration may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices, but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly $730,000, in the highest cost areas, while leaving the then-VA limit of $417,000 in place. On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110–289. That law provided a temporary increase in the maximum guaranty amount for VA loans originated from July 30, 2008 through December 31, 2008 to the same level as provided in the Stimulus Act.

S. 3023, as amended, would extend the temporary increase in the maximum guaranty amount until December 31, 2011. This would enable more veterans to utilize their VA benefit to purchase more costly homes.

The committee bill would also increase the maximum guaranty limit for refinance loans and increase the percentage of an existing loan that VA will refinance under the VA home loan program.

Under current law, the maximum VA home loan guaranty limit for most loans in excess of $144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Public Law 110–289 set this value at approximately $182,437 through the end of 2008. This means lenders offering loans of up to $729,750 will receive up to a 25 percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Current law limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means VA will not guarantee a regular refinance loan over $144,000, essentially precluding a veteran from using the VA program to refinance his or her existing FHA or conventional loan in excess of that amount.

VA is also currently precluded from refinancing a loan if the homeowner does not have at least 10 percent equity in his or her home.

The committee bill would decrease the equity requirement from 10 percent to 5 percent for refinancing from an FHA loan or conventional loan to a VA-guaranteed loan. This would allow more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have 10 percent equity and thus are precluded from refinancing with a VA-guaranteed home loan.

Given the anticipated number of non-VA-guaranteed adjustable rate mortgages that are approaching the reset time when payments are likely to increase, the committee believes that it is prudent to facilitate veterans refinancing to VA-guaranteed loans. In light of today's housing and home loan crises, additional refinancing options will help some veterans bridge financial gaps and allow them to stay in their homes and escape possible foreclosures. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

The omnibus benefits bill would also make crucial updates to the Uniformed Services Employment and Reemployment Rights Act, which protects servicemembers' rights to return to their prior jobs with the same wages and benefits. The provisions in the committee bill are derived from S. 2471, the proposed ''USERRA Enforcement Improvement Act of 2007,'' which Senator KENNEDY and I introduced on December 13, 2007. This legislation would ensure that federal agencies assist servicemembers in a more effective manner, by requiring the Department of Labor to investigate and refer cases in a more timely manner, and by requiring reports from the Department of Labor on their compliance with the deadlines.

Finally, the omnibus benefits bill includes a provision derived from S. 3000, the proposed ''Native American Veterans Access Act of 2008,'' which I introduced on May 8, 2008. This provision is intended to improve VA's ability to understand and respond to the needs of Native American veterans. While Native Americans are more likely to serve in uniform than the general population, many of them find cultural and geographical barriers between themselves and the benefits they earned through service. In addition, those returning to traditional homelands, especially reservation communities, frequently come home to dismal job opportunities and starved economies. The proposed bill would require a study to help us understand the employment needs of Native American veterans and how best to address them.

I thank the committee's ranking member, Senator BURR, for the agreements we have been able to reach. I truly appreciate his cooperation and that of the other members of the committee that have aided our work. I look forward to working with all those on the committee and our colleagues in the House in order to bring this legislation to final action before the end of this month.

I urge colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to express my support for S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill will make a wide assortment of improvements to benefits programs for veterans.

I commend Chairman AKAKA for his efforts in crafting this committee bill which reflects the bipartisan work of almost every member of our committee and over 30 other Senators. The result of our work is a bill with 35 provisions touching on education, vocational rehabilitation, employment, housing, compensation, insurance, memorial affairs, and other issues.

Among many other valuable provisions, this bill includes an education benefit that draws its inspiration from a North Carolinian who has become one of the foremost advocates of the needs of severely injured servicemen and women and their families. Sarah Wade, spouse of Ted Wade, an Iraq war veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has

been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do.

Another provision that I would like to discuss is one that would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members.

More than 60 years ago Congress recognized that those who serve our country in a time of need should be entitled to resume their civilian jobs when they return home. After Congress passed the first law providing reemployment rights to servicemen and women in 1940, President Roosevelt said these rights were part of ''the special benefits which are due to the members of our armed forces—for they 'have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us.' ''

As we all know, the sacrifices by this generation of servicemen and women are just as profound. In North Carolina alone, we have over 1,000 members of the Guard and Reserves currently deployed, and more than 45,000 members of the Guard and Reserves have deployed since the beginning of the War on Terror. Many left behind not only family and friends, but valued civilian careers.

For them, the modern reemployment law, the Uniformed Services Employment and Reemployment Rights Act, requires that they be given their jobs back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that ''the Federal Government should be a model employer'' when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet.

At a hearing last year, the Committee on Veterans' Affairs learned that the Federal executive branch continues to violate this law. Worse, these violations are often the result of lack of understanding or knowledge about what the law requires. In fact, the Assistant Secretary for Veterans' Employment and Training of the U.S. Department of Labor testified at our hearing that ''about half' of Federal USERRA cases occur because ''the Federal hiring manager just doesn't understand the law or the . . . regulations that spell out how to implement the law.''

Based on that, it seems clear that we need to do more to prevent these USERRA violations from occurring in the first place. We owe nothing less to those who have served and sacrificed so much for our nation. That is why I have championed this provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. I am very pleased that this provision was included in the omnibus bill and hope it will soon become law.

The Veterans' Benefits Improvement Act of 2008 also includes a provision that would require VA to provide Congress with a plan for updating its disability rating schedule and a timeline for when changes will be made. This rating schedule—which is the cornerstone of the entire VA claims processing system—was developed in the early 1900s and about 35 percent of it has not been updated since 1945. It is riddled with outdated criteria that do not track with modern medicine. Take for example traumatic arthritis. The rating schedule requires a veteran to show proof of this condition through x-ray evidence. But doctors today would generally diagnose the condition using more modern technology, like an MRI.

Even worse, experts have been telling us the rating schedule is not adequate for rating conditions like post-traumatic stress disorder and traumatic brain injury, which are afflicting so many of our veterans from the War on Terror. Also, experts have told us that the schedule does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

To address this situation, VA has been conducting studies on the appropriate level of disability compensation to account for any loss of earning capacity and any loss of qualify of life caused by service-related disabilities. To make sure these studies don't get put on a shelf to collect dust—as has happened in the past—this bill would require VA to submit to Congress a report outlining the findings and recommendations of those studies, a list of the actions that VA plans to take in response, and a timeline for when VA plans to take those actions. My hope is that this will finally prompt the type of complete update that the VA rating schedule has needed for so long.

These are only a few of the 35 items in this bill. I am confident that each of the bill's provisions will improve the lives of and veterans, even if only in a small way. My hope is that these provisions, and others, will be passed by both Houses before Congress leaves for the year. I ask my colleagues for their support as Chairman AKAKA and I work to make sure that happens.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the Akaka amendment be agreed to; that the committee's substitute amendment, as amended, be agreed to; the bill be read a third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5614) was agreed to, as follows:

(Purpose: To strike section 311, relating to relief for students who discontinue education because of military service, and to provide a temporary increase in the number of authorized judges of the United States Court of Appeals for Veterans Claims)

Strike section 311.

Strike section 401 and insert the following:

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

On page 47, between lines 20 and 21, insert the following:

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3023), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3023

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2008''.

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

Sec. 1. Short title.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 104. Conforming amendment relating to non-deductibility from veterans' disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 105. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
Sec. 106. Report on studies regarding compensation of veterans for loss of earning capacity and quality of life and on long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

TITLE II—HOUSING MATTERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Enhancement of refinancing of home loans by veterans.
Sec. 203. Four-year extension of demonstration projects on adjustable rate mortgages.
Sec. 204. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with a service-connected disability.
Sec. 205. Report on impact of mortgage foreclosures on veterans.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 301. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.
Sec. 302. Reform of USERRA complaint process.
Sec. 303. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
Sec. 304. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
Sec. 305. Report on the employment needs of Native American veterans living on tribal lands.
Sec. 306. Report on measures to assist and encourage veterans in completing vocational rehabilitation.

Subtitle B—Education Matters

Sec. 311. Modification of period of eligibility for Survivors' and Dependents' Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.
Sec. 312. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
Sec. 313. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 314. Change of programs of education at the same educational institution.
Sec. 315. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.

Subtitle C—Other Matters

Sec. 321. Designation of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

Sec. 401. Temporary increase in number of authorized judges of the United States Court of Appeals for Veterans Claims.
Sec. 402. Protection of privacy and security concerns in court records.
Sec. 403. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 404. Annual reports on workload of the United States Court of Appeals for Veterans Claims.

TITLE V—INSURANCE MATTERS

Sec. 501. Report on inclusion of severe and acute Post Traumatic Stress Disorder among conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 502. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
Sec. 503. Other enhancements of Servicemembers' Group Life Insurance coverage.

TITLE VI—OTHER MATTERS

Sec. 601. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.
Sec. 602. Memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 603. Three-year extension of authority to carry out income verification.
Sec. 604. Three-year extension of temporary authority for the performance of medical disability examinations by contract physicians.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ''(1)'' before ''Upon receipt''; and

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

''(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

''(B) The regulations required by this paragraph—

''(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

''(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

''(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

''(iv) shall specify the time period limitations required pursuant to subsection (b).''.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''.

SEC. 103. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) INDEXING TO SOCIAL SECURITY INCREASES.—Section 5312 is amended by adding at the end the following new subsection:

''(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

''(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

''(A) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of this title.

''(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

''(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

''(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

''(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

''(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

''(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

''(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

''(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).''.

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on December 1, 2009.

SEC. 104. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking 'as required by section 1212(c) of title 10' and inserting 'to the extent required by section 1212(d) of title 10'.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 105. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to eliminate such differences.

SEC. 106. REPORT ON STUDIES REGARDING COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) FINDING.—Congress finds that the Secretary of Veterans Affairs entered into a contract in February 2008 to conduct two studies as follows:

(1) A study on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.

(2) A study on the feasability and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall submit to Congress a report on the studies referred to in subsection (a).

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A comprehensive description of the findings and recommendations of the studies.

(B) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(C) For each action proposed to be taken as described in subparagraph (B), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(D) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in subparagraph (B).

(3) SUBMITTAL DATE.—The report required by this subsection shall be submitted not later than 210 days after the date of the enactment of this Act.

TITLE II—HOUSING MATTERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) is amended by striking ''90 percent'' and inserting ''95 percent''.

SEC. 203. FOUR-YEAR EXTENSION OF DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES.

(a) DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) is amended by striking ''during fiscal years 1993 through 2008'' and inserting ''during the period beginning with the beginning of fiscal year 1993 and ending at the end of fiscal year 2012''.

(b) DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 204. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.

The Secretary of Veterans Affairs may provide assistance under chapter 21 of title 38, United States Code, to a member of the Armed Forces serving on active duty who is suffering from a disability described in section 2101 of such title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under chapter 21 of such title.

SEC. 205. REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A general assessment of the income of veterans who have recently separated from the Armed Forces.

(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 301. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking ''Unless the Secretary'' and all that follows through ''the period of a program'' and inserting ''(1) Except as provided in paragraph (2), the period of a program''; and

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

''(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

''(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

''(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

''(B) In this paragraph, the term 'Post-9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.''.

SEC. 302. REFORM OF USERRA COMPLAINT PROCESS.

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

''(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

''(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.''.

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting ''in writing'' after ''submitted the complaint''.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.''.

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting ''Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.'' after ''to the Attorney General.''.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking ''The Secretary shall refer'' and inserting ''Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer''.

(e) NOTIFICATION OF REPRESENTATION.—

(1) NOTIFICATION BY ATTORNEY GENERAL.—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

''(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

''(B) notify such person in writing of such decision.''.

(2) NOTIFICATION BY SPECIAL COUNSEL.—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

''(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

''(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

''(ii) notify such person in writing of such decision.''.

(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

''§ 4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

''(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

''(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

''(B) shall not affect the right of a person—

''(i) to commence an action under section 4323 of this title;

''(ii) to submit a complaint under section 4324 of this title; or

''(iii) to obtain any type of assistance or relief authorized by this chapter;

''(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

''(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

''(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

''(b) INAPPLICABILITY OF STATUTES OF LIMITATIONS.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a violation of this chapter, there shall be no limit on the period for filing the complaint or claim.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4326 the following new item:

''4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.''.

(3) CONFORMING AMENDMENT.—Section 4323 is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is amended by striking ''and no later than February 1, 2005'' and all that follows through the ''such February 1:'' and inserting '', transmit to Congress not later than July 1 each year a report on matters for the fiscal year ending in the year before the year in which such report is transmitted as follows:''.

(b) MODIFICATION OF ANNUAL REPORTS BY SECRETARY.—Such section is further amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

''(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.''.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard and Reserve of the Department of Defense that involve the same person.

''(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

''(A) the number of such cases that involve a disability-related issue; and

''(B) the number of such cases that involve a person who has a service-connected disability.''; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking ''or (4)'' and inserting ''(4), or (5)''.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(b) QUARTERLY REPORTS.—

''(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

''(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.

''(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

''(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which

the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

''(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.''.

(d) UNIFORM CATEGORIZATION OF DATA.—Such section is further amended by adding at the end the following new subsection:

''(c) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

''(1) the information in the reports required by this section is categorized in a uniform way; and

''(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.''.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 302 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.

SEC. 304. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) TRAINING REQUIRED.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

''§ 4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

''(a) TRAINING REQUIRED.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

''(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

''(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

''(b) CONSULTATION.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

''(c) FREQUENCY.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal executive agencies are kept fully and currently informed of the matters covered by the training.

''(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term 'human resources personnel', in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

''4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.''.

SEC. 305. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to Congress a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander) veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—

(1) a review of current and prior government-to-government relationships between tribal organizations and the Veterans' Employment and Training Service of the Department of Labor; and

(2) recommendations for improving employment and job training opportunities for Native American veterans on tribal land, especially through the utilization of resources for veterans.

(b) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given such term in section 3765(4) of title 38, United States Code.

SEC. 306. REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized in other disability systems in the United States, and in other countries, to encourage completion of vocational rehabilitation by persons covered by such systems.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to undergo and complete vocational rehabilitation.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(5) The report of the President's Commission on Care for America's Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.

(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.

(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

Subtitle B—Education Matters

SEC. 311. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

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

''(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if

the eligible person remains the spouse of the disabled person throughout the period.''.

SEC. 312. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 313. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 314. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' after ''(d)'';

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking ''or'' at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

''(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.''.

SEC. 315. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.''.

Subtitle C—Other Matters

SEC. 321. DESIGNATION OF THE OFFICE OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DESIGNATION.—The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)).

(b) HEAD.—The Director of Small Business Programs is the head of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

SEC. 402. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the following new subsection:

''(c)(1) The Court shall prescribe rules, in accordance with section 7264(a) of this title, to protect privacy and security concerns relating to all filing of documents and the public availability under this subsection of documents retained by the Court or filed electronically with the Court.

''(2) The rules prescribed under paragraph (1) shall be consistent to the extent practicable with rules addressing privacy and security issues throughout the Federal courts.

''(3) The rules prescribed under paragraph (1) shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.''.

SEC. 403. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 404. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:

''(1) The number of appeals filed with the Court.

''(2) The number of petitions filed with the Court.

''(3) The number of applications filed with the Court under section 2412 of title 28.

''(4) The total number of dispositions by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) A multi-judge panel of the Court.

''(E) The full Court.

''(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

''(6) The median time from filing an appeal to disposition by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

''(7) The median time from filing a petition to disposition by the Court.

''(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

''(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

''(10) The number of oral arguments before the Court.

''(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

''(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

''(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

''(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges.

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

TITLE V—INSURANCE MATTERS

SEC. 501. REPORT ON INCLUSION OF SEVERE AND ACUTE POST TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasability and advisability of including severe and acute Post Traumatic Stress Disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:

(1) The advisability of providing traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code, for Post Traumatic Stress Disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who suffer severe and acute from Post Traumatic Stress Disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute Post Traumatic Stress Disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965(10) is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SEC. 503. OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Section 1967(a)(1)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1967(a)(5)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Section 1969(g)(1)(B) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans' Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code (as amended by section 502 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

TITLE VI—OTHER MATTERS

SEC. 601. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

(a) AUTHORITY.—Section 3711(f) of title 31, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

(b) EQUITABLE REFUND OF AMOUNTS COLLECTED.—The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

SEC. 602. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

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

SEC. 603. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SEC. 604. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

The title was amended so as to read:

A Bill to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

CONGRATULATING LATVIA ON 90TH ANNIVERSARY OF DECLARATION OF INDEPENDENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 87, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the concurrent resolution be agreed to, the

preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 87) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 87

Whereas, on November 18, 1918, in the City of Riga, the members of the People's Council proclaimed Latvia a free, democratic, and sovereign nation;

Whereas, on July 24, 1922, the United States formally recognized Latvia as an independent and sovereign nation;

Whereas Latvia existed for 21 years as an independent and sovereign nation and a fully recognized member of the League of Nations;

Whereas Latvia maintained friendly and stable relations with its neighbors, including the Soviet Union, during its independence, without any border disputes;

Whereas Latvia concluded several peace treaties and protocols with the Soviet Union, including a peace treaty signed on August 11, 1920, under which the Soviet Union ''unreservedly recognize[d] the independence and sovereignty of the Latvian State and forever renounce[d] all sovereign rights . . . over the Latvian people and territory'';

Whereas, despite friendly and mutually productive relations between Latvia and the Soviet Union, on August 23, 1939, Nazi Germany and the Soviet Union signed the Molotov-Ribbentrop Pact, which contained a secret protocol assigning Latvia, Estonia, and Lithuania to the Soviet sphere of influence;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas the Soviet Union imposed upon the people of Estonia, Latvia, and Lithuania a communist political system that stifled civil dissent, free political expression, and basic human rights;

Whereas the United States never recognized this illegal and forcible occupation, and successive United States presidents maintained continuous diplomatic relations with these countries throughout the Soviet occupation, never accepting them to be ''Soviet Republics'';

Whereas, during the 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis supported a United States policy of legal non-recognition;

Whereas, in 1953, the congressionally-established Kersten Commission investigated the incorporation of Latvia, Estonia, and Lithuania into the Soviet Union and determined that the Soviet Union had illegally and forcibly occupied and annexed the Baltic countries;

Whereas, in 1982, and for the next nine years until the Baltic countries regained their independence, Congress annually adopted a Baltic Freedom Day resolution denouncing the Molotov-Ribbentrop Pact and appealing for the freedom of the Baltic countries;

Whereas, in 1991, Latvia, Estonia, and Lithuania regained their de facto independence and were quickly recognized by the United States and by almost every other country in the world, including the Soviet Union;

Whereas, in 1998, the United States and the three Baltic nations signed the U.S.-Baltic Charter of Partnership, an expression of the importance of the Baltic Sea region to United States interests;

Whereas the 109th Congress resolved (S. Con. Res. 35 and H. Res. 28) that ''it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia and Lithuania, the consequences of which will be a significant increase in good will among the affected people'';

Whereas Latvia has successfully developed as a free and democratic country, ensured the rule of law, and developed a free market economy;

Whereas the Government of Latvia has constantly pursued a course of integration of that country into the community of free and democratic nations, becoming a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas the people of Latvia cherish the principles of political freedom, human rights, and independence; and

Whereas Latvia is a strong and loyal ally of the United States, and the people of Latvia share common values with the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the people of Latvia on the occasion of the 90th anniversary of that country's November 18, 1918, declaration of independence;

(2) commends the Government of Latvia for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its strong commitment to human and civil rights;

(3) recognizes the common goals and shared values of the people of Estonia, Latvia, and Lithuania, the close and friendly relations and ties of the three Baltic countries with one other, and their tragic history in the last century under the Nazi and Soviet occupations;

(4) calls on the President to issue a proclamation congratulating the people of Latvia on the 90th anniversary of the declaration of Latvia's independence on November 18, 1918;

(5) respectfully requests the President to congratulate the Government of Latvia for its commitment to democracy, a free market economy, human rights, the rule of law, participation in a wide range of international structures, and security cooperation with the United States Government; and

(6) calls on the President and Secretary of State to urge the Government of the Russian Federation to acknowledge that the Soviet occupation of Latvia, Estonia, and Lithuania under the Molotov-Ribbentrop Pact and for the succeeding 51 years was illegal.

SIGNING AUTHORITY—S. 3406

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator HARKIN be authorized to sign the duly enrolled copy of S. 3406, a bill to restore the intent and protections of the Americans With Disabilities Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, September 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of S. 3001, the National Defense Authorization Act; further, that all time in adjournment, recess, and morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, cloture was invoked this afternoon and the managers of the bill continue to work through filed amendments. We expect to complete action on the Defense authorization bill during tomorrow's session and rollcall votes are possible throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 17, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

BILL NELSON, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BOB CORKER, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ANTHONY H. GIOIA, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KAREN ELLIOTT HOUSE, OF NEW JERSEY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES W. CEASER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE CELESTE COLGAN, TERM EXPIRED.

THE JUDICIARY

ALFRED S. IRVING, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MARY ANN GOODEN TERRELL, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT P. BRANC
PETER D. CONLEY
BRETT A. CONTENT
STEVEN J. CRAIG
SCOTT E. DOUGLASS
MICHAEL K. HART
DONALD W. JILLSON
JOHN KOEPPEN
RONALD J. KRAEMER
MARILEA A. LLOYD
ANDREW S. MCKINLEY
ROBERT T. NEWTON
CHARLES E. POLK
STEVEN H. POPE
ALAN L. REAGAN
SCOTT D. SCHAEFER
CHRISTOPHER E. SCHAFFER
HEKMAT D. TAMIMIE

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JONATHAN E. KRAFT

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

D0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PHILIP W. GAY
VIRGINIA A. KRAUSHAAR
THOMAS E. LANGUIRAND
MARK A. LITZ
MICHAEL C. MAFFEI
TIMOTHY N. THOMBLESON

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

D0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

TO Be lieutenant colonel

TYRONE P. CRABB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL M. KING
ROBIN L. WADE
BRADLEY C. WARE

THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

D0000

To be major

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D0000

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

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THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

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THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

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THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JONATHAN S. ACKISS
LEUILA S. ALAIMALEATA
CORNELIUS L. ALLEN, JR.
JONATHAN E. ALLEN
REGAN J. ALLEN
LUIS F. ALVAREZ
MATTHEW S. ARBOGAST
REGINALD F. ARMSTRONG
SHAWNE P. ARMSTRONG
ROBERT A. ARROYO
HELEN M. AUSTIN
HOOKER C. AVERY
ALEXANDER C. BABINGTON
YANCY R. BAER
ANDREW A. BAIR
JACQUELINE E. BAIRD
KAREN A. BAKER
PATRICK J. BAKER
JACKSON L. BALL
THERON P. BALLARD
JEROME K. BARNARD
TIMOTHY J. BARRETT
CHRISTOPHER P. BARTOS
RICHARD T. BASYE
NAYDA C. BATES
NICOLE D. BEAVERS
JONATHAN A. BECK
PAUL B. BEDNAR
JOEY R. BEDOYA
BRYAN V. BELLAMY
JOSE V. BERCEDONI
JASON A. BERDOU
MARIA S. BERGER
DANIEL J. BIDETTI
WALTER M. BIELECKI
JAVIER F. BILBAO
CATRINA M. BLAIR
RON L. BLANCH
BRYAN A. BLITCH
DANGELO A. BLOUNT
JAMES E. BLUMAN
THOMAS R. BOLAND
PAUL M. BONANO
FREEMAN T. BONNETTE
JOSEPH M. BOROVICKA
PETER C. BOYER
NIKEA M. BRAME
RAYMOND D. BRAND
TROY C. BRANNON
JEFFREY M. BRASHEAR
BERNITA F. BRIGGS
MEGAN A. BROGDEN
KENNETH P. BROPHY
HENRY C. BROWN
NOREEN A. BROWN
JEREMY BRUNET
MIRYAM D. BRUNSON
JEFFREY M. BURNETT
SAMUEL A. BURNS
PAUL F. BUSHEY
WILLIAM H. BUTLER
SIDNEY F. BYRNE, JR.
PETER A. CAGGIANO II
SHAWN M. CALVERT
MARK CAP
JOSIEL CARRASQUILLOMORALES
NICOLE M. CASAMASSIMA
YONG S. CHANG
PATRICK A. CHAVEZ
MARTIN J. CHEMAN
MICHAEL C. CHERRY
JASON C. CHRISTENSON
STEPHEN L. CHRISTIAN
ERIC P. CHRISTIANSEN, JR.
MARC S. CICHOWICZ
ADAM D. CLARK
WILLIAM J. CLARK
ERIC S. CLARKE
JARED L. CLINGER
ANDY R. CLINKSCALES
MICHAEL P. COBB
FRANKIE C. COCHIAOSUE
KIM M. COHEN
ADAM J. COLLINS
CLAIRE COLLINS
JULIO COLONGONZALEZ
DAVID B. COOK
JAMES D. COOK
RICHARD M. CORPUZ
BRIAN M. COZINE
MICHAEL L. CRIBB, JR.
DANA E. CROW
STEPHEN M. CROW
ANTHONY R. CRUTCHFIELD
LANCE J. CULVER
ELIZABETH H. CURTIS
IVAN W. DACRES, JR.
JOHN Q. DANG
PAUL R. DAVIS
RANDALL E. DAVIS, JR.
WILLIAM D. DAVIS
JUSTIN E. DAY
JEAN A. DEAKYNE
SAUL D. DECKER
VICTOR M. DIAZ III
TIFFINEY R. DIMERY
MICHAEL D. DOLGE
BRIAN T. DONAHUE
JOHN C. DOSS
ANTHONY E. DOUGLAS
EMANUEL M. DUDLEY
GERALD J. DUENAS
THERESA L. ELLISON
STACY M. ENYEART
ANDREA M. ESCOFFERY
PATRICK C. EVANS
CHARLEY R. FANIEL
BRYAN J. FENCL
GREGORY A. FEND
KIMBERLY A. FERGUSON
DAWN M. FICK
ALAIN G. FISHER
MARC J. FLEURANT
CASSANDRA N. FORRESTER
CHRISTOPHER L. FOSTER
MISTI L. FRODYMA
JAMES K. GADOURY
ALEX M. GALESI
OMAR GARCIA
ROSADO A. GARCIA
VINCENTE GARCIA
GRETCHEN J. GARDNER
ANNETTE L. GARRETT
WILLIAM A. GARRIS
CHAE GAYLES
JAMES J. GEISHAKER
JUSTIN R. GERKEN
MATTHEW E. GILLESPIE
ERIN M. GILLIAM
TENNILLE L. GLADDEN
MATTHEW M. GOMEZ
ANDREW E. GONZALEZ
MARIO A. GONZALEZGONZALEZ
ERIC M. GOULDTHORPE
ROBYN A. GRAHAM
JOSEPH A. GRANDE, JR.
MIRANDA E. GRAVEL
RHEA M. GREAVES
JESSIE K. GRIFFITH III
ADAM M. GRIM
ROBERT P. GRIMMING
CHARLES G. GRISWOLD III
DOUGLAS B. GUARD
DANIEL E. GUNTER
STEVEN D. GUTIERREZ
THOMAS W. HAAS
CHARLES E. HALL
TODD C. HANKS
ANDRELL J. HARDY
KEVIN M. HARRIS
DARREN W. HASSE
JASON J. HAUSER
JERROD E. HAWK
MICHAEL T. HEALY
HANNAH HEISHMAN
SCOTT E. HELMORE
TRACIE M. HENRYNEILL
SERELDA L. HERBIN
BROOK E. HESS
RONTARIO S. HICKS
LUCAS S. HIGHTOWER
CHRISTOPHER M. HILL
WILLIAM S. HOLLANDER III
DAVID L. HOSLER
JOHN A. HOTEK
CATHERINE C. HOWARD
CHRISTOPHER S. HOWSER
LONNIE R. HUSKEY
ANGELA B. HYSON
JEFFREY J. IGNATOWSKI
SEAN P. IMBS
DONNA L. INGRAM
JEFFREY J. JABLONSKI

JOHN E. JACKSON
JAMES M. JACOBSON
CHARLES T. JAGGER
ANGELA M. JAMES
SABRINA S. JAMESHENRY
CHARLES V. JAQUILLARD
SEANA M. JARDIN
CHRISTOPHER D. JOHNSON
DONNA J. JOHNSON
LARRY P. JOHNSON
PAUL D. JOHNSTON
DAVID W. JONES
LEAH N. JONES
RONALD M. JONES
VERNON L. JONES, JR.
MICHAEL T. JORDAN
MOTT J. KAEO
JENNIFER S. KARIM
MICHAEL D. KAUL
DOMINIQUE R. KEITH
SEAN P. KELLY
MICHAEL T. KERN
SPENCER R. KERR
MATTHEW R. KERSHNER
MICHAEL T. KIM
TROY K. KING
WAYNE M. KINNEY
BRIAN M. KNIERIEM
STEPHEN T. KOEHLER
CODY W. KOERWITZ
ROBERT A. KONOPKA, JR.
ANDREW T. KOSCHNIK
WILLIAM R. KOST
THOMAS D. KRUPP
MATTHEW L. KUHNS
GENGHIS K. KUO
ARMANDO R. KUPPINGER
WESLEY J. KWASNEY
WILLIAM E. LAASE
HEATHER D. LABRECQUE
JAMES J. LACARIA
GERALD M. LACROSS
JUAN C. LAGO
TANZIE R. LANDRYMCGEE
BARRCARY J. LANE
MARVA R. LANE
TYRONNE G. LASTRAPES, JR.
JONG U. LEE
MARK W. LEE
JOEL K. LEFLORE
ROBERT W. LENTNER III
MATTHEW S. LINEHAN
TERRY C. LITTLEJOHN
INGRID J. LLANES
CARLOS A. LOCK
JAMES T. LOCKLEAR
HEATHER J. LOPEZ
MATTHEW J. LOVELL
CHRISTOPHER LOWERY
JAMES J. LUCOWITZ, JR.
JEFFREY L. LUCOWITZ
THOMAS R. LUTZ
IAN J. LYNCH
HEATHER J. MACE
BRIAN W. MACK
PAUL B. MADDEN
CARMELO T. MADERA
STEPHEN MAGNER
PATRICK M. MAJOR
ANTHONY P. MARANTE
JESSE R. MARSALIS
JASON W. MARSHALL
ANGELICA R. MARTINEZ
KATIE E. MATTHEW
ROLAND L. MATTHEWS
SYBILY M. MAXAMROGERS
ANGELA C. MAXWELLBORGES
STANLEY C. MAYNARD
ASUERO N. MAYO, JR.
MARLON MCBRIDE
MICHAEL A. MCBRIDE
GWENDOLYN A. MCCALL
JESSICA M. MCCALL
RICHARD C. MCCONICO
SHANNON T. MCCRORY
JENNIFER MCDONOUGH
STEPHEN P. MCGOWAN
MATTHEW J. MCGRAW
CHRISTOPHER S. MCLEAN
BRETT M. MEDLIN
JONATHAN W. MEISEL
CARLOS R. MENDEZ
ANDREW J. MEYERS
JASON L. MILES
MARVIN B. MILLAR
SAMUEL R. MILLER
ZACHARY T. MILLER
JEFF R. MILNE
ROGER C. MIRANDA
JOHN G. MISENHEIMER, JR.
DAVID A. MITCHELL
KEITH C. MIXON
JERRY R. MIZE
FAMARLON L. MOBLEY
KATHLEEN M. MOFFATT
LOVE L. MOODY
CHRISTOPHER L. MOORE
RICHARD B. MOORE
SHANE A. MORRIS
MICHAEL E. MORRISON
WALLACE K. MYERS III
NINA L. NEWELL
RANDALL W. NEWMAN
MICHELLE D. NHAMBURE
KYLE A. NODA
DAVID N. NORMAND
SHAWN M. OBRIEN
MUNIZ E. OTERO
AARON M. OWENS
KRISTOPHER K. PABOTOY
JOHN PADGETT
ROSENDO PAGAN
PHILBERT J. PALMORE
ROBERT M. PARK
PETER A. PATTERSON
MATTHEW C. PAUL
KESHA N. PEARSON
CURTIS S. PERKINS
WILLIAM C. PERKINS
HENRY PERRY III
ANTHONY J. PETE
KEVIN D. PIERCE
TARA C. PIERCE
MARTIN P. PLYS, JR.
KEVIN A. POOLE
DEWUANA L. POPE
EUGENE T. PORTER
PHILLIP B. POTEET
KENDRICK R. POWELL
STEVEN POWER
ELIZABETH M. POWERS
RICHARD A. PRAUSA
JOHN K. PRICE
MATTHEW A. PRICE
INGRID R. PRIVETTE
ANTIONETTE N. PULLEY
GRETA A. RAILSBACK
ANDRES R. RAMIREZ III
ELDRED K. RAMTAHAL
DORIS L. RAWLS
JOSE L. RAYAESCUTIA
PETER M. RAYLS
TRACIA T. REED
JASON L. RENNARD
JON O. REYES
LUKE RICHARDS
SEAN R. RICHARDSON
MICHAEL K. RILEY
JAMES R. RITCH
GEOVANNI S. RIVERA
BENJAMIN L. RIX
DOMINGOS S. ROBINSON
LILLIAN A. ROBINSON
VIRGIL G. ROBITZSCH
MICHAEL C. RODOCKER
LEON L. ROGERS
ORLANDO R. ROJASBANREY
GEORGE W. ROLLINSON
GILBERTO C. ROLON
ANGEL R. ROSADOPADILLA
JOSEPH L. ROSEN
CHRISTOPHER M. ROZHON
RANEE J. RUBIO
DINA D. RUCK
ANDREW M. RUIZ
THOMAS H. RUTH III
WALIYYUDDIN SABARI
JOHN V. SALLING
SHAWN D. SANBORN
GINA D. SANNICOLAS
MICHAEL A. SANSONE
DONALD C. SANTILLO
NATHAN R. SAWYER
JOHN M. SCHMITT
PATRICK M. SCHOOF
WILLIAM S. SCHUYLER, JR.
RYAN A. SCHWANKHART
LANGSTON L. SCOTT II
JAVIER SEPULVEDATORRES
DONALD E. SHAWLEY, JR.
ROBERT E. SHEFNER
DENNIS L. SHELDEN
ERIC L. SHEPHERD
MICHAEL B. SHERIDAN
JASON L. SHICK
JESSICA A. SHUEY
SAMSON T. SIDER
BRUCE A. SKRABANEK
ALLEN M. SLITER
ADAM D. SMITH
JEREMY D. SMITH
SCOTT A. SMITSON
JOHN K. SNYDER
KIMBERLY A. SORENSON
JASON R. SOUZA
NICHOLAS T. SPORINSKY
PIERRE A. SPRATT
SHANNON V. STAMBERSKY
NATASHA N. STANDARD
DANIEL R. STANTON III
ERIN M. STEWART
LEWIS STEWART III
RONALD H. STEWART, JR.
JEFFREY R. STRAUSS
JOHN B. STRINGER, JR.
LISA C. STUBBLEFIELDPEAK
MARTIN L. STUFFLEBEAM
PATRICK C. STURGILL
THOMAS B. TABAKA
DOMINIC J. TANGLAO
ALLEN D. TAPLEY
BRECK A. TARR
DAVID L. TAYLOR, JR.
FRANYATE D. TAYLOR
TROY W. TEMPLE
PAUL D. TEMPLETON
MICHAEL J. TESS
MICHAEL J. THIESFELD
HELEN A. THOMAS
DAVID L. THOMPSON
LORAY THOMPSON
STEPHEN A. THORPE
JOHN S. THYNG
ALVIN E. TILLEY, JR.
DERRICK L. TOLBERT
JOSE A. TOLLINCHI
ANDREW J. TONG
MIGUEL A. TORRES
TOMISHA A. TOSON
ANDRE L. TOUSSAINT
KEVIN J. TRAMONTE
ANITA R. TREPANIER
GEORGE TRONCOSO
TIMOTHY S. TROYER
THOMAS J. TROYN
LEILANI M. TYDINGCO
DENNIS J. UTT
CHARLES R. VALENTINE
BERNARD D. VANBROCKLIN
EARL D. VEGAFRIA
JOHN L. VELARDE, JR.
JANELLE V. VERBECK
WILLIAM H. VICK, JR.
ADRIAN J. VIELHAUER, JR.
LAMAR WAGNER
CLAUDE E. WALKER
DAMON K. WALKER
BARRY L. WALSH, JR.
CENTRELL A. WATSON
STEPHEN R. WEBSTER
JEREMY H. WEESTRAND
RANDALL T. WEISER
MATTHEW W. WELCH
KWANE E. WELCHER
JESSE R. WENTWORTH II
MATTHEW R. WESTERN
BRIDGET A. WETZLER
STEPHANIE R. WHITE
ANTHONY K. WHITFIELD
THOMAS J. WHITLOW
JOSEPH B. WILKERSON
SONDRA L. WILKERSON
KENNETH A. WILLEFORD
DENNIS F. WILLIAMS
LARITA R. WILLIAMS
TERRENCE A. WILLIAMS
MICHAEL S. WILLS
ANTHONY L. WILSON
GORDON L. WILSON
JERORD E. WILSON
JOHNNY L. WILSON
KEITH WILSON
JOSEPH B. WOOLSEY
MELVIN E. WRIGHTSIL
MICHAEL D. WROBLEWSKI
JENNIFER R. ZAIS
MICHEAL A. ZWEIFEL
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THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN L. ADAMSON
JOHN J. AGNELLO
JOHN M. AGUILAR, JR.
TAMMY L. AGUILAR
MATTHEW J. ALDEN
ROBERT E. ALLEN
SHAWANDA D. AMERSON
JOSEPH E. ANDERSON
JAKUB H. ANDREWS
KEVIN T. ASHWORTH
LANCE D. AWBREY
CHARLES R. AYERS
THOMAS A. BABBITT
DUANE L. BAILEY
DARBY S. BAIRD
JASON L. BALLINGER
MICHAEL J. BANCROFT
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TODD E. BAUMGARTEL
ALBERT E. BEHNKE
CRAIG R. BENDER
MICHAEL J. BENNETT
JOSEPH E. BERG
DONYA T. BEST
ROBERT B. BEZDUCH
WAYNE L. BLAS
THOMAS J. BLOOMFIELD
TODD A. BOOK
CRYSTAL X. BORING
DAVID M. BORNN
BRETT J. BOSTON
DAVID F. BOWERS
SHAWN A. BOYER
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STEPHEN S. BROWN
WILLIAM C. BROWN, JR.
TROY A. BUPP
TANYA L. BURKE
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MALCOLM S. BUSH
MICHAEL V. BUSH
KEVIN K. CARLILE
WILLIAM E. CARRUTH
CHRISTOPHER R. CARSON
CHRISTOPHER L. CASE
SUSAN A. CASTORINA
EDWARD M. CERER
SCOTT T. CHILDERS
CHRISTOPHER C. CHISHOLM
MELVIN A. CHISOLM

JASMIN S. CHO
JOSEPH C. CHRETIEN
KOURT N. CLARKE
TIMOTHY M. CLAUSS
CHRISTOPHER L. CLINE
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CLAYTON P. COLEMAN
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DENNIS C. DAVIS
HEYWARD H. DAVIS
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RAYMOND G. DELUCIO
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INDIRA R. DONEGAN
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MICHAEL B. DORSCHNER
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JONATHAN T. DRAKE
ROBERT J. DUNLAP
BRIAN P. DUNN
CHANTAL A. DUPUIS
DENTON L. DYE
AMY J. EASTBURG
ANDREW D. ECKLUND
KATHERINE C. ECKLUND
HEINZ EDER
ORM E. EL
LAWRENCE S. EMMER
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DARIUS D. ERVIN
DEVIN H. ESELIUS
JEFFREY R. ESSIG
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REGINALD K. EVANS
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DION FREEMAN
WILLIAM A. FROBE
BRIAN D. FRULAND
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HEATH A. GIESECKE
KEITH M. GIESEKE
EVANS L. GILLIARD
STEPHANIE E. GILLOGLY
CONNIE D. GLAZE
KELLY D. GLEASON
ANDREW C. GODDARD
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DAVID M. GOHLICH
STAN L. GOLIGOSKI
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DANIEL S. GREEN
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BRIAN GUENTHENSPBERGER
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JASON B. HAIGHT
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TAMIKA S. HALEY
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LEIF A. HANSEN
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DOUGLAS J. HARRIS
EDD D. HARRISON, JR.
READUS HARTON III
DENISE R. HATCHER
TOWYANGER J. HATCHER
BRIAN G. HAYES
BRIAN P. HAYES
CHARLES D. HAYES
DAVID C. HAZELTON
ANTON J. HEDRICK
ELIZABETH J. HELLAND
ALEXCIE A. HERBERT
EDWARD J. HERNANDEZ, JR.
SCOTT A. HERZOG
DOUGLAS C. HESS
DUSTIN G. HEUMPHREUS
KAREN B. HILL
ULEKEYA S. HILL
HEATHER A. HILLS
NATASHA M. HINDS
DAIGO HIRAYAMA
CHRISTOPHER L. HOBACK
CHRISTOPHER S. HOBGOOD
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WILLIAM A. HOLCOMBE
THOMAS M. HOOPER
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TIMOTHY A. HUNT
TOD D. HUNTER
SCOTT A. HUTCHINSON
ZACHARY P. HYLEMAN
SEIVIRAK INSON
ZACHARY T. IRVINE
LASHAUNDA R. JACKSON
ANDREW J. JASKOLSKI
ERNEST H. JENKINS
MATTHEW R. JENSEN
CHRISTOPHER L. JOHNSON
CRAIG W. JOHNSON
KESTER L. JOHNSON
LONNIE D. JOHNSTON
DREVON M. JONES
RAIN M. JONES
BRYAN G. JUNTUNEN
BRANT E. KANANEN
JAY L. KAUFMAN
KRISTY E. KELLY
ROY D. KEMPF
TOMA KIM
BRADLEY G. KITTINGER
GARY J. KLEIN
STEVEN N. KOBAYASHI
KENNETH S. KONDO, JR.
ADAM M. KORDISH
ANDREW M. KOVANEN
SETH W. KOZAK
JUSTINE S. KRUMM
THOMAS J. KUCIK
REBEKAH L. KURTZWEIL
KRISTOFER H. KVAM
VINCENT C. LAI
JEFFREY J. LAKNER
KYLE W. LANDS
PATRICK J. LANE
JOHN S. LANGFORD
JAMES F. LAWSON
MICHAEL E. LAWSON
THANH V. LE
PATRICK Y. LEE
PAUL B. LEMIEUX
LASHADA Q. LEWIS
CONWAY LIN
DAWN C. LONGWILL
MICHAEL D. LOVE
ROBERT C. LOVEJOY
CHRISTOPHER J. LOWRANCE
QUAN H. LU
POLARIS X. LUU
THANG V. LY
MINH H. MA
CAMILLE L. MACK
PAUL L. MAHER
NATHAN M. MANN
PHILLIP G. MANN
KYLE B. MARCRUM
ERIC J. MARION
JOHN B. MARLEY
TIMOTHY B. MARLOWE
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STEPHEN M. MARSHALL
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DAVID W. MAYFIELD
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MICHAEL E. MCINERNEY
JOHNNY R. MCKINNON
SHAWN P. MCMAHON
SEAN D. MCMANUS
PATRICK B. MCNEACE
TIMOTHY T. MEASNER
THOMAS H. MELTON II
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ROBERT Y. MIHARA
JANIS C. MIKITS
CHRISTOPHER J. MILLER
ERIC W. MILLER
RICHARD S. MILLS II
DANIEL P. MILO
ANGEL I. MIRANDA
BOUNYASITH MITTHIVONG
STACEY L. MOLETT
LILLIAN L. MONGAN
TYPHANIE Y. MONTEMAYOR
WILLIAM C. MOODY
CYNTHIA L. MOORE
CHRISTOPHER T. MORGAN
SCOTT M. MORGAN
LOUIS A. MORRIS
TIMOTHY J. MORROW
LOUIS P. NAGEL
JASON M. NAGY
GREGORY W. NAPOLI
MICHAEL P. NEEDHAM
JUAN C. NEGRON
DAVID L. NEWELL
HAC D. NGUYEN
JACOB P. NINAS
MARGARET A. NOWICKI
ROBERT A. NOWICKI
JASON P. NUNNERY
DAVID P. OAKLEY
TIMOTHY S. OBRYANT
MARK A. OGLES
IRVIN W. OLIVER, JR.
ELLIOT H. OLMSTEAD
CRAIG T. OLSON
MICHAEL T. OMEARA
FELICIA D. ONEAL
JULIE A. OPYD
EDWARD ORTIZVAZQUEZ
JAMON B. OSBORNE
YAQUI M. OSELEN
MARIBEL OSTERGAARD
STERLING J. PACKER
ROMEL C. PAJIMULA
RAFAL PANASIUK
KERI A. PASQUINI
ROBERT G. PATTERSON, JR.
GREGORY J. PAVLICHKO
MATTHEW G. PECK
JAY D. PELLERIN
CARLOS PENA, JR.
NICHOLAS W. PENNOLA
ROBERT C. PERRY, JR.
FOLDEN L. PETERSON, JR.
ERNEST S. PETROWSKY
PHAY B. PHROMMANY
ROBERT R. PIETRAFESA
JOSEPH W. PIOTROWSKI
BRIAN J. PLATT
MICHAEL A. POE
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JEREMIAH K. PRAY
CHRISTOPHER A. PRESSLEY
DAVID J. PRICE
JEFFREY A. PROKOPOWICZ
CARRIE L. PRZELSKI
MANUEL F. PULIDO
GEORGE C. RANDOLPH, JR.
ANGELA E. REBER
JAMES A. REECE
JOHN M. REEDER
KEVIN T. REEVES
BLANCA E. REYES
GILBERTO M. REYES
ISMAEL REYES
STEVEN R. REYNNELLS
MARK G. RIEVES
KEVIN T. RILEY
MELISSA A. RINGHISEN
BART C. RITCHEY
BRENDA F. RIVASSANDOVAL
ANDRE G. RIVIER
KILLAURIN O. ROBERTS
MATTHEW U. ROBERTSON
KEVIN D. ROBINSON, JR.
THEODORE M. RODILL, JR.
MICHAEL P. ROGOWSKI
JOSEPH A. ROMAN
TIMOTHY J. ROOT
BRADLEY S. RUDDER
CYRUS K. RUSS
KENNETH J. RUTKA, JR.
MICHAEL S. RYAN
JIMMY C. SALAZAR
BENJAMIN F. SANGSTER
ROBERTO J. SANTIAGO
HERIBERTO SANTIAGOACEVEDO
DAVID N. SANTOS
DONALD W. SAPP
MICHAEL A. SAPP
RACHEL E. SARLES
ASSLAN SAYYAR
KENNETH A. SCERBO
JOSEPH E. SCHAEFER
JEFF F. SCHROEDER
LLOYD D. SCOTT
NELSON L. SEARS
TERESA L. SELPH
CARLOS R. SEPULVEDATORRES
NEERAJ SETHI
MICHAEL B. SHATTAN
RYAN L. SHAW
JOHN W. SHERMER
DAVID A. SHWIFF
GUS SIETTAS
JAMES A. SINK
DENNIS B. SLATON
TERRY W. SLAYBAUGH
DAVID J. SMITH
SAMUEL P. SMITH, JR.
HOWARD M. SMYTH
JAYSON R. SPANGLER
DARREN A. SPAULDING

ROBERT J. SPIVEY
GEOFFROY E. ST GAL DE PONS
ANTHONY M. STAFFORD
SCOTT K. STAGNER
JULIAN P. STAMPS
STEFFANIE STEELHAMMER
SORIN A. STEREA
JOHN C. STILLWELL
GREGORY V. STONE
ROBERT W. STRACK
CECIL A. STRICKLAND
BRADLEY N. STROUP
TROY L. SULLENS
MINDEE L. SUMMERS
JORDON E. SWAIN
JOHN SYERS
MONA A. TANNER
DAVID O. TAYLOR
JANINE T. TAYLOR
TIMOTHY R. TAYLOR
WILLIAM C. TAYLOR
MICHAEL J. TEMKO
JASON L. THOMAS
MATTHEW J. THOMAS
LESLIE W. THOMPSON
RACHEL J. THORNE
JOSEF THRASH III
ALAN W. THROOP
STANLEY O. THURSTON
ANTHONY L. TINGLE
STEVEN L. TINGLEY
THOMAS E. TOLMAN
ROBERT S. TOMPKINS
CATARINA J. TRAN
JOSHUA P. TRIGO
DAVID D. TURNER
WILLIAM E. TURNER
JAMES A. UMBARGER
JEFFREY B. VANSICKLE
KEITH S. VANYO
JOE A. VARGAS
ALEXANDER S. VINDMAN
CHARLES S. VORES
DAN R. WALKER, JR.
WAYNE B. WALL II
KEITH W. WALTHALL
MARK E. WARDER
JOSEPH B. WARING, JR.
ALAN R. WARMBIER
JASON W. WARREN
NATHANIAL E. WATSON
DENNIS D. WATTERS, JR.
JAMES R. WEARE
KEITH B. WEIDNER
JAMES W. WELCH
KARLA J. WENNINGER
AARON C. WENTWORTH
BRIAN S. WESTERFIELD
SHAWN E. WHITMORE
JARROD P. WICKLINE
EARMON C. WILCHER III
JAMES M. WILES
PAUL M. WILLIAMS
NORMAN L. WILSON II
LISA L. WINEGAR
CAROLYN A. WOOD
JEFFERY A. WOOD
CLIFFORD M. WOODBURN
KENNETH T. WOODS
CHRISTOPHER L. WOOLDRIDGE
DELVIN WOOLRIDGEJONES
DONOVAN WRIGHT
WILLIAM C. WRIGHT
JOHN R. WYATT
JOSEPH A. YOUNG
MICHAEL T. YOUNG
WILLIAM T. YOUNG
DANIEL W. ZANDER
DOUGLAS W. ZIMMERMAN
YANCEY S. ZINKON
RICHARD D. ZUBECK
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THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW T. ADAMCZYK
DEVON F. ADKINSON, JR.
RYAN P. AHRENDT
MATTHEW J. ALBERTUS
GREGORY K. ALEXANDER
NATHAN G. ALLARD
KELLY T. ALLEN
MARK R. ALLEN
RAMON W. ALMODOVAR
TERRENCE J. ALVAREZ
JUSTIN C. AMBURGEY
JARED J. AMORE
SPENCER M. ANDERSON
OKERA G. ANYABWILE
DOUGLAS P. APRIL
JAMES E. ARMSTRONG III
LAURENCE H. ARNOLD
WILLIAM I. ARNOLD, JR.
SHERYL O. ATTILEE
CHRISTOPHER J. AUGUSTINE
CHRISTOPHER J. AUGUSTINE
JOHN M. AUTEN III
JASON B. AVERY
RUBEN D. AYALA
VICTOR M. BAEZAN III
MARC R. BAILEY
ANDREW J. BAKER
JOHN L. BAKER, JR.
REGAN M. BALDWIN
MICHAEL L. BANDY
SCOTT H. BARBER
JEROME A. BARBOUR
KEITH A. BARCLAY
CHRISTOPHER M. BARLOW
RICHARD K. BARNES
AARON D. BARREDA
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DAVID P. BARTULA
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RICHARD E. BAYLIE
TROY J. BEATTIE
STEVEN P. BEAUDOIN
RICHARD V. BEEVERS
JONATHAN T. BELMONT
DANIEL K. BENSON
JOSEPH E. BENSON
MICHAEL R. BERRIMAN
JOSHUA P. BERRYHILL
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LOUIS L. BIRDWELL III
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RHETT A. BLACKMON
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WINN S. BLANTON
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EVERETT R. BOGLE
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MICHAEL D. BROMUND
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NATHAN S. BROWN
SONJA L. BRUCE
JOSEPH G. BRUHL
MARK A. BRZOZOWSKI
TROY C. BUCHER
NICHOLAS T. BUGAJSKI
DERRICK T. BURDEN
WILLIAM BURDEN
REED A. BURGGRABE
KEVIN BURKE
LANCE K. BURNSIDE
JEFFERY T. BURROUGHS
DAVID J. BURSAC
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MURPHY A. CAINE
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STEPHEN L. CLOWER
CHRISTOPHER H. CLYDE
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CLINTON R. CODY
GEOFFREY J. COLE
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CHRISTOPHER A. COLSTER
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WILLIAM T. CRAVEN
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TODD M. DANIELS
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ROBERT E. DAVIDSON
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IAN S. DAVIS
JOHN B. DAVIS III
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ETHAN J. DIVEN
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THOMAS P. DONATELLE
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RAYMOND K. EDWARDS
SAMUEL G. EDWARDS
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AARON C. ELLIOTT
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DANIEL C. ENSLEN
MICHAEL E. ENTREKIN
ERIK A. ENYART
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JENNIFER C. FARRELL
CORY D. FASS
DENNIS W. FAULKNER
BRIAN B. FAYE
BRIAN M. FECTEAU
BRIAN A. FERGUSON
TIMOTHY J. FERGUSON
JOHN V. FERRY
JAMES M. FEW
PLEAS B. FIELDS
RICHARD M. FIERRO
MICHAEL C. FIRMIN
JAMES E. FISCHER
JAMES D. FITZGERALD
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LAREN V. FLEMING
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JUDDSON C. FLORIS
ADAM J. FLORKOWSKI II
DAVID A. FLOWERS
MICHAEL J. FOOTE
CHARLES A. FORD
MICHAEL J. FORTENBERRY
DAVID E. FOSTER
ROBERT L. FOSTER
THOMAS J. FOURNIER
GREGORY R. FOXX
MATTHEW F. FROMBACH
DANIEL A. FUHR

REID E. FURMAN
JAMES F. GAFNEY
CHARLES P. GALLION
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EXTENSIONS OF REMARKS

TRIBUTE TO DR. JAMES B. KLIEBENSTEIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize Dr. James B. Kliebenstein, professor of Agricultural Economics at Iowa State University, on receiving the 2008 Distinguished Teaching Award from the American Agricultural Economics Association. I wish to express my appreciation for Dr. Kliebenstein's dedication and commitment to fostering the educational development and personal growth of Iowa students.

After obtaining a doctorate of Philosophy from University of Illinois-Urbana, Dr. Kliebenstein went on to work for Northwest Missouri State University, the Department of Agricultural Economics and the School of Veterinary Medicine at the University of Wisconsin-Madison, and University of Missouri-Columbia. For the past 22 years, Professor Kliebenstein has contributed his time and talents to improving youths' lives through education and mentoring at Iowa State University.

At Iowa State University, Dr. Kliebenstein currently teaches agriculture business courses and advises undergraduate and graduate students. His excellence in teaching is affirmed by the highly positive feedback from his students. For his Farm Planning and Organization class, Dr. Kliebenstein received a 100% approval rating from all of his students. Professor Kliebenstein also conducts research on agricultural production technologies and the costs and benefits of livestock production.

Dr. Kliebenstein has truly made a lasting impact on students, family, and faculty throughout his illustrious career, and his passion for teaching at Iowa State University is admirable. I consider it an honor to represent Dr. James B. Kliebenstein in the United States Congress, and I wish him the best of luck in future endeavors.

HONORING THE JOINT MANUFACTURING AND TECHNOLOGY CENTER AT ROCK ISLAND ARSENAL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to thank and congratulate Colonel Craig Cotter and the dedicated working men and women at the Joint Manufacturing and Technology Center located at the Rock Island Arsenal federal campus.

Since 1862 the Rock Island Arsenal has been providing the supplies and equipment American soldiers need to protect this country. Today the Joint Manufacturing and Technology Center (JMTC)—under the command of the Army Materiel Command—continues that proud tradition of meeting the needs of our Armed Forces.

JMTC's technological and manufacturing expertise has been essential to protecting our nation in the 21st Century. At no time was this fact more evident than when insurgents in Iraq began using improvised explosive devices to attack Humvees and other military vehicles. The Army needed an immediate solution and JMTC was the only manufacturing center ready and able to provide it. JMTC used their rapid-response design and manufacturing capacity to produce dozens of "up-armor kits" before final engineering was even complete. In a matter of days the first armor kits were designed, produced, and on their way to Iraq. To date, JMTC has produced thousands of armor kits and is poised to expand their armaments development into new titanium and lightweight composite materials.

JMTC is truly a center of industrial and technological excellence. In 2006 and 2007 they earned the Shingo Prize Public Sector Gold Medallion for the Forward Repair System, making JMTC the Army's only two time winner of this prestigious award. JMTC has also met high work standards with the M119 Towed Howitzer, gunner protection armor kit, shop equipment contact maintenance vehicle, and small arms parts program.

Madam Speaker, the women and men at JMTC are indispensable to our long-term national security. This facility is poised to develop the materials and technologies we will need to protect the United States for decades to come.

HONORING PASTOR DONALD BATTLE OF DIVINE FAITH MINISTRIES INTERNATIONAL

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor a spiritual and community leader in my district, Pastor Donald Battle of Divine Faith Ministries International, on the occasion of his 54th birthday.

Pastor Donald E. Battle and his wife of 34 years, Gwen, along with their three adult daughters, TaVondria, Jamie, and Christin, are all leaders of this life-changing body of believers. I am proud that the southern campus of Divine Faith Ministries International, along with Divine Faith's School of Biblical Studies, are both located in my district, the 13th Congressional District of Georgia.

Pastor Battle is a native of Birmingham, Alabama, where he met and married his high school sweetheart, Gwen. He served in the U.S Army six years and served 15 years in Georgia law enforcement as a police detective for the City of Atlanta. Pastor Battle's ministry began in 1990 as Divine Faith Baptist Church with a group of 60 members. Today, Madam Speaker, Divine Faith Ministries International currently serves God with a membership of over 8,000. This explosive growth can be directly traced to the servant leadership of Pastor Battle and his family.

But Pastor Battle does not content himself with service in the church alone. A leader in the community, Pastor Battle has served in the Association of Christian Ministers of Clayton County, and guided the creation of the Clayton County Public Schools' Mentorship Forum. The forum includes business leaders, judicial system leaders, state and local elected officials and pastors who serve to mentor high school students. Pastor Battle also led the call for incorporating the faith community in the Clayton County youth offender program to allow churches to be involved in the juvenile offenders' community service program.

Other examples of Pastor Battle's unshakable commitment to the 13th District and the entire Atlanta area are Divine Faith Ministries International television broadcasts which reach thousands of homes weekly, a day care program—Divine Faith Ministries Christian Academy, and the Divine Faith Ministries School of Biblical Studies.

Again Madam Speaker, I am honored to recognize this great man on his birthday. His presence, his purpose and his commitment to service have blessed not only his family, his friends and his congregation, but undoubtedly the entire world as the effects of his ministry are felt in the hearts of thousands. Thank you for the opportunity to honor Pastor Donald Battle, his family and Divine Faith Ministries International.

HONORING RYAN DANIEL SALMON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Ryan Daniel Salmon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan Daniel Salmon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE AND MUSIC OF THE LATE ISAAC HAYES

SPEECH OF

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. COHEN. Mr. Speaker, Isaac Hayes made an indelible impact on the hearts, minds and souls of his fans that has sustained for generations. Dick Clark observed: ''It's rare when an artist's talent can touch an entire generation of people. It's even rarer when that same influence affects several generations. Isaac made an imprint on the world of pop music unequaled by any other single performer.''

Isaac Hayes hailed from humble beginnings in Covington, Tennessee. He spent his childhood and formative years in Memphis, years which shaped his future success as a songwriter, singer, and actor, graduating from Manassas High School. Undoubtedly, Isaac's influences can be attributed to his time spent in church singing gospel music with the Morning Stars, doo-wop with Sir Isaac & the Doo-Dads, the Teen Tones and the Ambassadors. Isaac Hayes became a soul music icon with his debut album, ''Hot Buttered Soul,'' in 1969.

His signature single and album ''The Theme From Shaft,'' came 2 years later winning an Academy Award for Best Original Song, the first Academy Award received by an African-American in a non-acting category, and two Grammys, one for composer of Best Original Score and one for Best Instrumental Arrangement with co-arranger Johnny Allen.

Isaac Hayes will also be mourned by his Stax records songwriting and production partner, David Porter, with whom he wrote over 200 songs, including many classic hits such as: ''Soul Man,'' ''When Something Is Wrong With My Baby,'' and ''Hold on I'm Comin','' recorded by Sam and Dave, and ''B-A-B-Y'' made famous by Carla Thomas. The music created by Isaac and David embodies the funky, gritty and soulful Memphis sound and both gentlemen were both inducted into the Rock and Roll Hall of Fame in 2002.

Isaac Hayes was instrumental in staging the 1972 Wattstax concert performed at the Los Angeles Coliseum in the summer of 1972, an event that was a great source of pride for the African American Los Angeles community of Watts and which focused worldwide attention on issues of social and economic justice for that beleaguered community while also highlighting the great Memphis Stax sound.

Through his early days at Stax Records, his success as a recording artist, his record-breaking international performances and his career in film and television, Isaac Hayes, our hometown hero, always proudly referred to his Memphis roots. Isaac served as an ambassador of Memphis' spirit and soul and, like Moses, is irreplaceable.

Whereas Isaac Hayes started the Isaac Hayes Foundation, whose mission is to globally promote literacy, music education, nutritional education, and innovative programs to raise self-esteem among the underprivileged;

Whereas Isaac Hayes was strongly devoted to promoting literacy through the world and was named the international spokesman for the Applied Scholastics' World Literacy Crusade;

Whereas Isaac Hayes, through his Isaac Hayes Foundation, built an 8,000 square foot educational facility in Ghana, West Africa, and was a strong advocate for the education and well-being of the children of Ghana; In 1992, in recognition of his humanitarian work, he was crowned an honorary king of Ghana's Ada district.

Whereas Isaac Hayes donated thousands of dollars, through grants from his Isaac Hayes Foundation, to schools in Memphis, Nashville, and Washington, DC for the purpose of improving the musical education programs of those schools and for the purchase of musical instruments;

Today is a day of both great sadness and joy—sadness that Isaac has left us too soon and joy that we were fortunate enough to have known him. Isaac was a personal friend and a supporter in my re-election bid, actively participating in my campaign. I appreciate his talent, his contributions to his fellow man and his friendship. He rose from the most humble of beginnings to fame and wealth but he never forgot where he came from and he retained his love and respect for his fellow human beings. Being in the presence of Isaac made one want to be a better person, to do good. There will never be another like him.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MARKEY. Madam Speaker, Last week, our Nation commemorated the seventh anniversary of the most devastating attack on our country since Pearl Harbor. We remembered the victims and their families, and we also honored the heroism of the fire fighters, police officers, emergency workers and everyday Americans who rushed to help those caught in the almost unimaginable violence on that day.

The attack has left an indelible mark on our Nation. The two planes that were crashed into the World Trade Center towers took off from Boston's Logan Airport on that clear Tuesday morning.

Last week at Logan Airport, a new memorial was dedicated to the 147 men, women and children who perished on American Airlines Flight 11 and United Airlines Flight 175. I ask unanimous consent to insert in the RECORD a statement from Massachusetts Port Authority Chairman Dr. John Quelch on the occasion of the dedication of the 9/11 memorial at Logan Airport.

We will never forget the heroism of the Americans affected by the September 11th attacks.

REMARKS OF DR. JOHN A. QUELCH

For the past 7 years, there have already been two memorials at Logan Airport, dedicated to the 147 men, women and children who perished the morning of September 11, 2001 on American Airlines Flight 11 and United Airlines Flight 175.

One stands outside Gate 32 in American Airline's Terminal B. The other stands outside Gate 19 in United's Terminal C. Both memorials appeared spontaneously, raised by airport and airline employees without fanfare or ceremony. These two memorials are one and the same. And there is no grander memorial. That memorial is the flag of the United States of America.

The flags fly proudly to this day, and will likely fly forever. They symbolize the determination of this airport, this Nation, and the community assembled here to recover from that grievous wound.

Today, we dedicate a third memorial as a remembrance of that day and its impact on all of us. This memorial is accessible to all who come to this airport. And this memorial acknowledges each lost soul by name.

It is a simple tribute. A quiet place of reflection. Hopefully, a place for healing. And, with the passage of time, a place for learning and education, as well.

This memorial is first and foremost for you, the family members and friends of those who perished that sunny September morning. They never asked to make history, yet they did so in the saddest possible way.

The weight of September 11 also bore heavily on the entire Logan airport community who were devastated to learn that two of our flights—our flight 11, our flight 175—were instruments in the tragedy that unfolded. We at Massport and the entire Logan family hope that you—and we—will find comfort in this place. And in the years to come, we hope that many thousands of visitors—perhaps millions—will also come here to reflect, to heal and to learn.

Changing our own lives will be the greatest gift we can give to the departed. They surely expect more from us than to merely memorialize their names. They surely want us to do more, work harder, be better, to be inspired by remembering them.

So, for the sacrifice of those we honor here today, may this memorial therefore make us better fathers and mothers, sons and daughters.

For their sacrifice, may we be better custodians of the public trust, ever vigilant for the public safety.

For their sacrifice may we be better citizens and neighbors.

And in the morning, with the rising of the sun, and with the sounds of freedom in the sky, we shall remember them.

RECOGNIZING THE LIFE AND SERVICE OF THE LATE AUSTIN J. ''SONNY'' SHELTON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize the life and service of the late Austin J. ''Sonny'' Shelton, who passed away on September 7, 2008, after a long illness. Sonny was 59 years of age. Sonny was a member of the 19th Guam Legislature, from 1987 to 1989, where he served as the chairman of the Committee on Rules, vice chairman of the Committee on Energy, Utilities and Consumer Protection, secretary general to the Asian Pacific Parliamentarian's Union and as a member of the Association of Pacific Island Legislators.

In 1995, Sonny was appointed as the director of the Government of Guam's Department of Parks and Recreation and as the Guam Public Auditor from 1999 to 2000. In 2001 he served as the acting director of the Department of Administration.

After graduating from Father Duenas Memorial High School in 1967, attending the University of Guam and Texas State Technical Institute, Sonny returned to Guam and joined Shelton Music Company, his family's business. He later established AJS Incorporated and expanded his business interests to include other vending machines, amusement devices and real estate.

Sonny Shelton was a civic minded individual who devoted much time to community organizations including the Benevolent and Protective Order of Elks, and the Guam Shrine Club, Aloha Temple. He was a volunteer for the University of Guam's 4–H Summer Youth Fishing Program. He served as president of the Father Duenas Memorial School's Football Booster Club. He was active in his church where he served as a brother of the 2nd Community of the Neo-Catechumenal Way of Nino Perdido Catholic Parish in Asan.

Sonny was an avid fisherman who participated in many deep sea fishing events and his love of outdoor sports extended to off-road racing where he enjoyed success as a driver.

Austin J. "Sonny" Shelton was the only child of the late Austin James Shelton, a successful Guam entrepreneur and Amanda Pangelinan Guzman Shelton, a professional nurse. He is survived by his widow, Graciella Shinohara Shelton, his children, and their spouses, Raymond and Melinda Shelton Slattery; Madeleine Shelton, Austin Shelton II, and Amanda Shelton; and his grandchildren Trinidad, Kaya, Mariana, Raymond and Gabryelle. He is dearly missed by his family and friends, and our community extends our sympathy to them.

HONORING COLTON R. ZIRKLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Colton R. Zirkle a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Colton has been very active with his troop, participating in many scout activities. Over the many years Colton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Colton R. Zirkle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, September 15, 2008, and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted yea on H. Res. 1200—Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; yea on H. Con. Res. 390—Honoring the 28th Infantry Division for serving and protecting the United States; and yea on H.R. 6889—To extend the authority of the Secretary of Education to ensure continued access to Federal student loans, for 1 year.

RECOGNIZING THE PASSING OF GLADYS CANNON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. SOLIS. Madam Speaker, I rise today to pay tribute to a dear friend and lifelong Democrat, Gladys Cannon, who passed away on September 8, 2008, at her home in West Covina, California. Gladys was a beloved wife, mother, friend, activist, and community leader who will be missed by her peers and the beloved community she devoted her life to serving. I am proud to have called Gladys my friend and I join her husband Frank and her family in mourning her passing.

Throughout her life, Gladys never failed to become involved in helping her community. She had the heart of an activist and the soul of a fighter and she never failed to fight for progressive values. She was a proud member of the Teamsters Union and an active and ardent Democrat. She worked hard to ensure that working families would have their voices heard. Our community will be forever grateful for Gladys's civic activism and volunteerism.

In addition to being a community activist, Gladys was an avid sports fan who always looked forward to March Madness and rooting for USC, the Los Angeles Lakers, the Los Angeles Dodgers, and the Green Bay Packers. Gladys also loved to travel. Her fondest memories were of cruises to Alaska and trips to England and Ireland. Gladys loved to live life and she always did so with a cunning smile and fighting spirit. Gladys will always be remembered and missed for the special joy she brought us all.

Gladys will be remembered for her lifetime dedication to her community and fighting spirit. She was a heartfelt champion of women and working families. I extend my sympathy to Gladys's family in this difficult time, and especially to her beloved husband Frank Cannon whom she greatly loved. Gladys will be dearly missed.

CONGRATULATING COLBY COLLEGE MUSEUM OF ART

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MICHAUD. Madam Speaker, I rise today to congratulate the Colby College Museum of Art for being accredited by the American Association of Museums, AAM. Accredited since 1995, and re-accredited recently, the museum joins 10 other museums from Maine and 775 nationwide to receive this honor. Accreditation recognizes the Colby College museum's commitment to public service, professional standards, and excellence in education.

The Colby College Museum of Art is a powerful community presence and leader in communicating the value and importance of art. The museum is more than just a collection of great works of art; it is also an incredible educational resource for the state of Maine. It offers hands-on workshops, morning story times for children and various lectures from faculty at Colby, visiting speakers, and student docents.

The Colby College Museum of Art extends its reach far beyond the Colby College campus, sharing its astounding collection with community members of all ages and providing a place for study for faculty and students. I have no doubt that the museum will continue this mission of service and education well into the future, and congratulate the museum once again on this deserved accreditation by the American Association of Museums.

HONORING ALEXANDER J. EICHSTADT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Alexander J. Eichstadt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1138, and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander J. Eichstadt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MARY JO SHARPE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Mary Jo Sharpe, a shining example of a true lady, in my hometown of Somerset, Kentucky. Sadly, Mary Jo passed away on July 8, 2008, at the age of 76.

Mary Jo and her husband of 58 years, Jim Sharpe, are lifelong residents of Pulaski County, Kentucky. Together, they were one of the most thriving and generous entrepreneurial couples that Southern Kentucky has ever seen. Through hard work during their life together they started and operated numerous successful business ventures. They led a distinguished career in grocery and food retail

business, automobile dealerships, marinas, restaurants, and most notably the houseboat industry where Jim and Mary Jo are recognized as the pioneers of the industry.

As successful as Mary Jo and Jim were in their business life, their real sense of pride and love was found in their family. They raised four children and nine grandchildren. Mary Jo, or ''Mim'' as her grandchildren call her, was a loving wife, mother, grandmother and the rock of the family. She was the heart, soul and guiding light helping to lead her children and grandchildren through the trials and tribulations of life. ''Mim'' was the eternal optimist always giving encouraging advice and making those around her a better person.

Mary Jo's other great love was for her church, First Baptist Church of Somerset. Jim and Mary Jo were married at First Baptist Church on April 4th, 1950. She was a lifelong member and taught the junior and senior girls Sunday school class. Mary Jo was instrumental in the construction of the new sanctuary for the church and was also the ''Happy Birthday Voice'' for First Baptist's outreach program.

In addition to raising her family and church duties, Mary Jo found time to be president of the local PTA and contribute in various ways to the educational system throughout her life. She also loved to sing and did so on local radio stations and at numerous weddings and funerals.

Mary Jo Sharpe was a graceful, friendly, caring, patriotic, beautiful woman. She believed that ''positive things happen to positive people''. Mary Jo was a Christian woman and an angel on earth and she is now basking in the glory of her Savior.

Madam Speaker, I ask my colleagues to join me in honoring the memory of Mary Jo Sharpe. She will be sorely missed, but her legacy and character will continue to live on in the hearts and minds of her loving family and friends.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. JOHNSON of Illinois. Madam Speaker unfortunately last night, September 15, 2008, I was unable to cast my votes on H. Res. 1200, H. Con. Res. 390, and H.R. 6889, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 589 on suspending the rules and passing H. Res. 1200, honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, I would have voted ''aye.''

Had I been present for rollcall No. 590 on suspending the rules and passing H. Con. Res. 390, honoring the 28th Infantry Division for serving and protecting the United States, I would have voted ''aye.''

Had I been present for rollcall No. 591 on suspending the rules and passing H.R. 6889, to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes, I would have voted ''aye.''

IN RECOGNIZING OF THE 65TH ANNIVERSARY OF NAVAL AIR STATION WHITING FIELD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor the 65th anniversary of Naval Air Station, NAS, Whiting Field. The anniversary was quietly marked by a simple cake-cutting ceremony attended by over 100 northwest Florida dignitaries, Navy and Marine Corps League representatives, military personnel, Government civilians, and other base employees on July 16, 2008. This ceremony celebrated a long-lasting friendship between the base and surrounding community and served to further forge their wonderful relationship for many years to come. A much larger, formal ceremony will be held on October 25, 2008.

According to historian and U.S. Navy Retired CDR Doug Seigfried, the 65-year-old NAS Whiting Field is the busiest field in the Training Command and home to Training Wing Five's three T–34C primary/intermediate maritime prop squadrons, two TH–57B/C Sea Ranger helicopter training squadrons and the helicopter and fixed-wing instructor instructional units. Eighty-three percent of all student Naval aviators conduct a portion of their initial flight training at Whiting, which averages over 350 flights a day.

Construction began on the largest of Pensacola's auxiliary fields in early 1943 and was completed in November. The new field, located 35 miles northeast of Pensacola and 6 miles north of Milton, was planned to incorporate two individual fields about a mile from one another with base facilities located between them. Both Whiting's North and South Fields featured four 6,000-foot runways, a large parking mat and two big red-brick, hangars. Despite the fact that construction was not yet complete and assigned personnel were temporarily living in tents, the field was officially dedicated by RADM George D. Murray, commandant of the Naval Air Training Center, Pensacola, on July 16, 1943. In attendance at the ceremony was the recent widow of Captain Kenneth Whiting, Naval Aviator Number 16, for whom the field was named.

Fifteen days earlier, SNJs (the Navy's version of the North American T–6 Texan) of VN–3A and VN–3B from Chevalier and Saufley Fields had arrived at their new South Field home to inaugurate operations in basic and radio instrument instruction as part of the intermediate phase of the World War II training program. With the two fields comp1eted, VN–8C and its large fleet of SNBs (Navy designated Beech Aircraft TC–45s) arrived at North Field from NAS Corry in November 1943. The squadron moved back to Corry in December 1944 and was replaced by operational training squadron VB4 OTU 4, flying Consolidated PB4Y–I Liberators. With all the multi-engine and basic instrument instruction conducted at the base, a large building was constructed to house the numerous Link trainers and six big Link celestial navigation trainers manned by WAVES (Women Accepted for Volunteer Emergency Service).

After the war, Whiting became a naval air station under control of the new Naval Air Advanced Training Command, Jacksonville, Florida. Based at Whiting from 1946 to almost the end of 1947 were VB–2 and VB–4 advanced training units flying Consolidated PB4Y–2 Privateers and Lockheed PV–2 Venturas; the advanced carrier qualification and Landing Signals Officer training unit flying F6F Hellcats, SB2C Helldivers, TBM Avengers and SNJ–3/5Cs; and two photo training units flying the PB4Y–IP and F6F–5P.

Over the next several years, Whiting survived through reorganization of its missions and promotion of its newer facilities and longer runways. The first jets assigned to the Training Command were sent to Whiting Field in July 1948. From 1951 to 1956 Whiting Field devoted its total efforts to primary instruction. It was during this period that the Training Command introduced new aircraft, consolidated bases and made major syllabus changes to respond to the Navy's predominantly jet-equipped air wings and squadrons. In addition, in December 1959, the multi-engine training group, METG, the pre-helicopter instrument phase, moved its operations to Whiting from Forrest Sherman NAS Pensacola.

During the 1960s, Whiting concentrated on T–28 basic prop training and in January 1965 began parallel T–28 basic instructional programs due to the increased number of students required to meet the augmented pilot training rate prompted by the Vietnam war. In 1965, the field underwent a major facelift as new living spaces replaced old WW II-era ''splintervilles,'' together with a new training building and upgrades to both fields' runways and ramp areas.

In January 1972, as a result of yet another major reorganization of the Training Command, Whiting Field became the home of Training Air Wing 5. After 30 years of working with fixed-wing aviators, Whiting began rotary-wing activities. In November 1977, the first of the new T–34C Turbo Mentors arrived at Training Air Wing 5 to replace the primary-phase T–34B and the basic-phase T–28. By 1983, the last T–28 had been retired and all three North Field squadrons conducted primary and intermediate prop training. In the 1990s, VT–3's Red Knights were designated as the first joint primary training squadron. The era of joint Navy/USAF flight training had begun.

Madam Speaker, no one can deny the honorable and significant contributions NAS Whiting Field has made since it was dedicated in 1943. On behalf of the United States Congress and a grateful Nation, I wish to thank the men and women on NAS Whiting Field, both past and present, for 65 years of unwavering support of our Nation's defense.

TRIBUTE TO HOWARD DUVALL, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a tremendous public servant, Howard Duvall, Jr. After 21 years of stellar service and visionary leadership, Howard is retiring from the South Carolina Municipal Association. His retirement is a great loss to the cities and towns of South Carolina, but we thank Howard for his dedication for so many years.

Howard Duvall is a product of the small South Carolina town of Cheraw, known to many as the birthplace of music legend Dizzy Gillespie. Howard left Cheraw to pursue an education, earning a B.A. in political science from the Citadel and an M.P.A. from the University of South Carolina. He served his country in the U.S. Air Force for 4 years, and continued his service a a member of the South Carolina Air National Guard for 3 years. Howard returned to Cheraw to work in his family's hardware business, and launched a life of public service soon thereafter. In 1974, Howard was elected a member of the Cheraw Town Council. Six years later, he was elected mayor of his beloved hometown.

In June 1986, Governor Dick Riley tapped Howard to serve as his executive assistant. In 1987, he was appointed to the South Carolina Tax Commission, and later that year, he became the director of Intergovernmental Relations for the South Carolina Municipal Association. This move became Howard's calling for the rest of his career. In 1992, he became the executive director of the Municipal Association, and has remained in that post for the last 16 years.

During this time, Howard's family has been his source of support. He has been married to Allianne Turner since 1965, and the two are the proud parents of two daughters and the grandparents of two.

Madam Speaker, I invite you and my colleagues to join me today in congratulating Howard Duvall for an outstanding career of public service. Howard has demonstrated a strong commitment to the small cities and towns that make South Carolina such a wonderful place to live, work and recreate. His leadership has made our State and Nation a better place, and his daily guidance will be sorely missed. I am proud to call Howard a friend, and I wish him a wonderful retirement and much happiness in his future endeavors.

HONORING ROBERT AMSDEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Robert Amsden a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Robert Amsden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MALONEY of New York. Madam Speaker, on September 9, 2008, I missed rollcall votes numbered 567, bill to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse", 568, a bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse"; and 569, the Child Soldiers Accountability Act of 2007.

Had I been present, I would have voted "yea" on rollcall votes 567, 568, and 569.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. REICHERT. Madam Speaker, on September 15, 2008, I missed three rollcall votes. Had I been present, I would have voted "yea" on H. Res. 1200, "yea" on H. Con. Res. 390 and "yea" on H.R. 6889.

COMMEMORATING THE 60TH ANNIVERSARY OF THE ACADEMY OF OUR LADY OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO. Madam Speaker, I rise today to congratulate the students, administrators, staff, and alumni of the Academy of Our Lady of Guam (AOLG) as they celebrate their sixtieth anniversary. Founded in September 8, 1948 by Bishop Apollinaris William Baumgartner, OFM Cap. and Sister Inez Underwood, RSM the AOLG is renowned for its college preparatory curriculum and continues as the sole Catholic high school for young women on Guam.

The AOLG is named after the patron saint of Guam, Santa Marian Kamalan, also known as Our Lady of Camarin. The 300 year old statue of Our Lady of Camarin is an icon in Chamorro culture. The AOLG lives the name of Our Lady of Camarin through the school's Christian centered approach to education and through a curriculum focusing on the development of the overall well being of its students.

The AOLG continues to excel in both academics and athletics. Over 90 percent of AOLG graduates pursue post-secondary education, and a growing number are accepted by the leading educational institutions.

More so, the AOLG has produced distinguished alumni in the fields of law, medicine, government, and engineering, as well as leaders in the business community.

I commend the Academy of Our Lady of Guam for its 60 years of continued service and excellence to the people of Guam. I congratulate Academy of Our Lady of Guam President, Sr. Francis Jerome Cruz, R.S.M. and Principal Mary Meeks for their stewardship in the education of Guam's exceptional women. God bless the Academy of Our Lady of Guam and may they enjoy many more years of service to the people of Guam.

CONGRATULATING CARLOS ZAMBRANO ON PITCHING A NO-HITTER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Carlos Zambrano of the Chicago Cubs on his no-hitter against the Houston Astros on Sunday. In addition to being Zambrano's first no-hitter, it was also the first no-hitter pitched by a Cub since 1972 and only the second in the majors this season. In throwing what some are calling a Zambrano-no, he led the Cubs in a 5–0 victory at Miller Park in Milwaukee.

Perhaps most remarkable about Zambrano's performance on Sunday is the unusual circumstances surrounding the game. Not only had Zambrano missed the last two weeks of games with a sore rotator cuff, but the devastation wrought by Hurricane Ike in Houston also forced Major League Baseball to relocate the game to Milwaukee. The crowd of over 23,000 was comprised of a lot of Cubs fans, and all of us Cubs fans are thankful that the Brewers opened up Miller Park for the occasion, and more importantly, we are thankful that the Astros players, fans and families were able to take their minds off of the storm for a few hours to share baseball history with us.

Carlos Zambrano made his major league debut for the Cubs in 2001 as a 20-year-old and has spent his entire professonal career thus far with my hometown Chicago Cubs. He quickly made his mark as a premier pitcher in the league, earning a spot as a starter in 2003 and becoming the youngest Chicago Cub to pitch in an All-Star Game the next season. He is known not only for his abilities on he mound, but also for his enthusiasm for the game and his prowess with the bat.

On Sunday, Zambrano struck out 10 and walked one and was aided by the stellar defense of his teammates—specifically Derek Lee and Mark DeRosa, who both made great plays to keep the no-hitter alive. But in the end, Zambrano showed that his shoulder was A–OK as he continued to throw pitches upward of 95 miles per hour into the 9th inning, striking out the final batter of the game en route to his 14th victory of the season, putting the Cubs 7½ games up in the National League Central Division going into today's game.

Madam Speaker, on behalf of the Cubs' neighbors in Lakeview and throughbut Chicagoland, I congratulate Carlos Zambrano and all of his Chicago Cubs teammates the first Cubs no-hitter in 36 years.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. HODES. Madam Speaker, due to illness that required hospitalization, I missed the following votes. I would have voted as follows:

Rollcall vote 567—S. 2403—A bill 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''—''yes.''

Rollcall vote 568—S. 2837—A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''—''yes.''

Rollcall vote 569—S. 2135—Child Soldiers Accountability Act—''yes.''

Rollcall vote 570—H. Con. Res. 344—Recognizing that we are facing a lobal food crisis—''yes.''

Rollcall vote 571—H. Res. 937—Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military servicemembers and their families—''yes.''

Rollcall vote 572—H. Res. 1069—Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children—''yes.''

Rollcall vote 573—H. Res. 1307—Commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation—''yes.''

Rollcall vote 574—H.R. 6168—Lance Corporal Drew W. Weaver Post Office Building—''yes,''

Rollcall vote 575—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—''yes.''

Rollcall vote 576—H. Res. 1419—On Ordering the Previous Question Providing for consideration of H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''.

Rollcall vote 577—H. Res. 1419—On Agreeing to the Resolution Providing for consideration of H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''

Rollcall vote 578—H.R. 1527, The Rural Veterans Access to Care Act—''yes.''

Rollcall vote 579—S. 2617, The Veterans Compensation Cost-of-Living Adjustment Act of 2008—''yes.''

Rollcall vote 580—H.R. 3667, On Motion that the Committee Rise—''yes.''

Rollcall vote 581—Grijalva of Arizona Amendment to H.R. 3667—''yes.''

Rollcall vote 582—H.R. 3667—Table Appeal of the Ruling of the Chair—''yes.''

Rollcall vote 583—H.R. 3667—On passage of the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''

Rollcall vote 584—H.R. 4081, The Prevent All Cigarette Trafficking Act of 2007—''yes.''

Rollcall vote 589—H. Res. 1200, Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families—''yes.''

Rollcall vote 590—H. Con. Res. 390, Honoring the 28th Infantry Division for serving and protecting the United States—''yes.''

Rollcall vote 591—H.R. 6889, To extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes—''yes.''

HONORING STEPHEN LEE DODSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Stephen Lee Dodson a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stephen Lee Dodson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 10TH ANNIVERSARY OF THE RARE FOUNDATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the RARE Foundation in Troy, Michigan as they celebrate their 10th Anniversary on September 16, 2008. The foundation's work for Michigan's youth has changed lives and inspired future generations of leaders.

The RARE Foundation was founded in 1998 by Gilbert Cox, Jr. with the mission to inspire Michigan's youth to see possibilities through the real-world examples of everyday heroes. RARE highlights the lives and life lessons of everyday people in the workplace who, through extraordinary commitment, integrity, selflessness, and courage, are changing lives and inspiring others. In addition, the foundation provides a forum for these extraordinary individuals to reach out to Michigan's youth and teach, by example, their compelling lessons for life's venture.

Throughout the years, the foundation's programs have engaged young people in the process of discussion, discovery, and writing about everyday heroes in their communities to help them see possibilities and make the connection between fulfilling careers and meaningful lives. They have done so by providing grants for teachers and mentoring programs to reinforce character education and strengthen the basic curriculum at a time of severe program, cutback and budget reductions in our schools. The foundation has also started an At-Risk Community Outreach program in collaboration with educational, business, community, and mentoring organizations designed to bring certainty of opportunity to urban youth.

At a time when material things have replaced character as the currency for measuring success, the RARE Foundation has stepped in to reinforce the idea strong morals and character are imperative to achievement. In fact, their programs have proven to be so successful that they should serve as a model to be followed by other communities.

Madam Speaker, the RARE Foundation continues to educate and enrich the lives of young people in Michigan. I wish to congratulate them and the many volunteers on their 10th Anniversary and hope for many years of prosperity.

40TH ANNIVERSARY OF THE KENNEDY POLITICAL UNION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. McGOVERN. Madam Speaker, 40 years ago today a tradition began at the American University in Washington, DC. That tradition, which I am proud to say I was and continue to be a part of, began when Theodore Sorensen became the first speaker at the Kennedy Political Union at American University. I rise today to honor and recognize this institution for both its excellence and longevity.

The Kennedy Political Union was founded to take advantage of American University's Washington, DC location. Since its inception the Kennedy Political Union has been student-run, student-funded, and non-partisan in its commitment to connecting American University students with the most compelling speakers on a wide variety of issues.

Past speakers at the Kennedy Political Union have included Former Soviet Premier Mikhail Gorbachev, His Holiness the 14th Dalai Lama, and Secretaries of State Madeleine Albright and Colin Powell, among hundreds of others who have come to share their views and experiences with thousands of American University students.

As Director for the 1980–81 Kennedy Political Union Lecture Series, I hosted Israeli politician and diplomat Abba Eban; former Attorney General Ramsey Clark; Alger Hiss; U.S. Senators Howard Baker, Strom Thurmond and George McGovern, and others. The experience was a formative one for me, and I to this day have maintained my ties with the Kennedy Political Union and my alma mater.

With today, September 16, 2008 marking the 40th Anniversary of the Kennedy Political Union, I want to congratulate each of the Directors who have promoted the organization's commitment to the expansion of political awareness and engagement. I want to thank the speakers who have made the organization what it is today, many of whom are former or current members of this body. And lastly I want to wish the Kennedy Political Union continued success now and in the future.

HONORING MARGARET MEHRING

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. CAPPS. Madam Speaker, thank you for this opportunity to speak today about my dear friend Margaret Mehring, who passed away on July 3, 2008. Margaret was someone that we all want to—and need to—remember. She was an educator, filmmaker and author. She was a political activist, fighting against the McCarthy era excesses and standing firm for the freedoms we cherish in this country.

She also worked hard to help Native Americans tell their own stories, with her work being expanded to the founding of the Media Training Development Program for Tribal College around the country. She managed political campaigns and even wrote a pamphlet about running grassroots campaigns that I got into the hands of top Democrats in Washington. How many of her lessons are finding their way into this election, I often wonder.

Margaret Mehring was all this and much, much more. She was a friend, a mentor, an always present conscience to many of us in this room. Margaret and I became friends when my late husband Walter was beginning his improbable run for Congress. That was back in 1994. Long before most people even knew who Walter was, Margaret was one of his strongest supporters. She and Walter—and I—connected on a very deep level. She understood the importance of building a community of hope and purpose. But she also knew the value of organizing a community around an idea or, in this case, a person and political movement. Margaret dedicated herself to organizing and turning out the vote for Walter so he would be elected to Congress.

She was someone who really recognized the importance of grassroots organizing, mobilizing a community, and turning out the vote. She was instrumental in galvanizing many of her friends and neighbors to support Walter's, and later my, candidacy. And I will always be deeply grateful to the tireless work she devoted to my campaigns.

But what makes me remember Margaret and miss her was larger than the help she provide Walter and me, as important as that was.

Margaret's work was dedicated as much to strengthening our democratic traditions and our civil society as it was to any one candidate. She was concerned about the vitality of our democracy and the health of our society. Ensuring that we leave this wonderful Earth a better place than we found it was what drove her every day. Clearly Margaret was a valuable member of the Democratic party, but more importantly she was an asset to the Democratic process.

I will miss Margaret dearly, I already do. But I carry with me—every day—the lessons of her commitment to her community, her dedication to making the world a better place. It is a source of strength and a constant inspiration to me. Thank you for letting me offer my thoughts today.

IN TRIBUTE TO JIM KROG

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. CASTOR. Madam Speaker, I rise today in honor of a great Floridian and American, James Byron "Jim" Krog. The State of Florida suffered a great loss on September 4, 2008, when he passed away.

Mr. Krog devoted a large part of his professional career to public service. Krog served as chief of staff for the Honorable Lawton Chiles, Governor of Florida, with a landmark new commitment to children's healthcare. He also worked as a top aide to Governor Reubin Askew. He started in government relations in Tallahassee, which he returned to after working for Governor Chiles. As a founding member of the Florida Association of Professional Lobbyists, he recognized the importance of improving the public image of his profession. Known for being a congenial man with a great sense of humor, Mr. Krog would battle against a political rival in the Capitol and then meet him or her afterwards to laugh it off.

A Tampa native and graduate of the University of South Florida, Mr. Krog made time each semester to return to his alma mater to offer advice and encouragement to students interested in beginning a career in government or politics. After students graduated and came to Tallahassee to start jobs, he would mentor them. Now hundreds of USF students are working in government and public policy. They are a living legacy of his dedication to public service.

Madam Speaker, Jim Krog will be greatly missed by the State of Florida. My thoughts are with his wife, Louella, and his son, Christopher.

IN HONOR OF 2008 HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 2008 Hispanic Heritage Month, as we celebrate the members of this community and their invaluable contributions to the Greater Cleveland Area and to our country. I also rise in honor of Senator Kenneth McClintock, and in recognition of his immeasurable accomplishments as President of the Puerto Rican Senate. Senator McClintock is the keynote speaker at the kick-off ceremony of the 2008 Hispanic Heritage Month in Cleveland, Ohio.

Hispanic Heritage Month celebrates and illuminates the significant contributions that Americans of Hispanic heritage have made in all aspects of American culture. Hispanic Americans have contributed immeasurably to the fields of law, medicine and education, and have shared their diverse and rich culture with us all through fine arts and music. Americans of Hispanic descent have served our country in numerous ways—as elected officials, teachers, musicians, veterans, community activists, and dedicated employees in virtually every sector of the economy. Their longstanding commitment to social justice and to sharing their diverse culture with friends and neighbors has been an invaluable addition to Cleveland's diverse social fabric.

Madam Speaker and colleagues, please join me in honor and in celebration of this year's Hispanic Heritage Month and in recognition of Senator Kenneth McClintock for his dedication to public service. I am deeply grateful for the outstanding contributions made by Hispanic Americans in my district and around the country.

COMMEMORATING THE 60TH ANNIVERSARY OF FATHER DUENAS MEMORIAL SCHOOL

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO, Madam Speaker, I rise today to congratulate the students, administrators, staff and alumni of Father Duenas Memorial School, FDMS, as they celebrate the school's 60th anniversary. Founded in 1948, by Bishop Apollinaris Baumgartner, OFM Cap., as an institution to prepare young men for the priesthood, FDMS has evolved to a 4 year college preparatory high school rooted in the Catholic faith.

FDMS was named to honor the memory of Father Jesus Baza Duenas, the second Chamorro to be ordained a Catholic priest. Father Duenas was beheaded by Imperial Japanese military forces on July 11, 1944, only 10 days before the liberation of Guam. The school was built in Tai, Mangilao, in the area where Father Duenas and his cousin Edward were executed. The school mascot, a "friar", is significant as the school has been managed and staffed over the years by religious orders, namely, the Stigmatines, Capuchins, and Marist Brothers.

FDMS has a strong record of academic excellence and athletic achievement. Many of its alumni have excelled and succeeded in their pursuit of higher education in post secondary institutions, including the military service academies and numerous colleges and universities. From its humble beginnings as a five room seminary, the school had grown in size with more classrooms, science laboratories and the recently opened Phoenix Center that serves as a multipurpose complex housing a gym, an auditorium, weight training room, and additional classrooms. The Phoenix Center is also used as a venue to host other performances and civic events for the island community.

Through the years Father Duenas Memorial School has produced distinguished alumni which include leaders in government and the business community, members of the clergy, servicemen in the United States Armed Services, judges, lawyers, doctors, dentists, and educators. Father Duenas Memorial School's most distinguished graduate is the Metropolitan Archbishop Anthony Sablan Apuron, DD, OFM Cap.

It is the heritage and testament of its students, their parents, administration, faculty staff, and alumni that continue to show the character and success of Father Duenas Memorial School. As the school celebrates its 60 Years of Excellence, I congratulate Archbishop

Anthony Apuron, Father Duenas Memorial School Principal, Mr. Willaim Roth, the faculty and staff, and the various orders and laypeople who have educated many of Guam's outstanding young men since October 1, 1948. May Father Duenas Memorial School enjoy many more years of service to our community.

HONORING ANDREW NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Nelson of Smithville, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1360, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Nelson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHARLOTTE WILLIAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KILDEE. Madam Speaker, I rise today to honor Charlotte Williams as she receives the first "Making Democracy Work" Award from the Flint Michigan League of Women Voters.

The League will honor Charlotte at an event on Wednesday, September 17th in Flint.

The League of Women Voters gives the "Making Democracy Work" Award to a Flint female community leader. Charlotte Williams was chosen to be the first recipient. Charlotte was elected as a Genesee County Commissioner in 1968. She was the first black female elected to the position. She went on to become the first female Chair of the Board. She became active in the National Association of Counties and served on several State and local committees. Her work with the National Association of Counties culminated in being elected president of that body in July 1978, and she served one term. Charlotte also chaired a workshop at a White House Conference on "Balanced Growth and Economic Development" and contributed to White House briefings during the terms of four Presidents. She retired from the Board of Commissioners in 1980.

Charlotte is the Vice Chairperson of the Board of Stewards at Quinn Chapel AME Church and has been an active member for 40 years, She has also worked as a Home Counselor in the Mott Foundation program and taught Bishop sewing classes.

Madam Speaker, I ask the House of Representatives to stand and applaud the work of one of the pioneers for political equality, Charlotte Williams. I commend her for her courage, insight, and work to improve the quality of life in Genesee County. May she continue her work for many, many years to come.

IN SYMPATHY FOR THE LOSS OF FORMER KIRKWOOD MAYOR MIKE SWOBODA

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. AKIN. Madam Speaker, I rise today to recognize and honor a man of passion, spirit and service—former Kirkwood Mayor Mike Swoboda, who struggled against incredible odds after tragedy and on September 6, 2008, was released from his suffering and went Home.

Mike Swoboda will be remembered for his innovation in the city of Kirkwood, Missouri, creating "Mayor for a Day" program for youths, his endless enthusiasm for all things Kirkwood, and his years of faithful service. He was a man of hope and optimism who loved the people he served. He will be remembered for striving to do great things and as a man of his word.

I want to extend my condolences to the family of Mike Swoboda and echo family and friends in saying "He will always be remembered."

IN HONOR OF NICK "SONNY" NARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Nick "Sonny" Nardi, and in appreciation of his outstanding dedication to social justice and workers rights. I, along with the Parma Democratic Party, join in recognizing Sonny for his invaluable leadership in the Democratic Party, as he is being honored as the 2008 Parma Democrat of the Year.

Sonny, a native of the Greater Cleveland area, has a multifaceted history of leadership and social service. He graduated from Parma High School in 1978 and joined the International Brotherhood of Teamsters Local 416 here in Parma in 1981. Since joining Local 416, Sonny has demonstrated his dedication to workers rights in the various leadership roles he has held over the past twenty-seven years. From 1986 to 1989, he was the Trustee and Business Agent. He became Vice President of Local 416 in 1992, a position he held for three years, until becoming Secretary-Treasurer in 1996. Sonny held the position of Secretary-Treasurer for ten years and just last year, he became Local 416's President and Principal Officer.

His commitment to workers rights and to the local Democratic Party has earned him the honor of being one of only two Super-Delegates of the 1.4 million Teamster membership. From 2003–2006, Sonny served on the Labor Advisory Council for Governor Taft and was also appointed to the RTA Board of Trustees. His experience as a true leader in the local Democratic Party earned him an appointment to the Executive Committee for the Democratic Party in 2006. In 2007, the same year he became Local 416's President and Principal Officer, Sonny was chosen to represent Ohio as a member of the Democratic National Committee.

Madam Speaker and colleagues, please join me in honor of Nick "Sonny" Nardi, and in recognition of his invaluable dedication to workers rights and to the local Democratic Party. May his commitment to social justice serve as an example for all of us to follow.

HONORING CHARLES CASSIDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Cassidy of Platte City, Missouri. Charles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Cassidy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MALONEY of New York. Madam Speaker, on September 15, 2008, I missed rollcall votes numbered 589, a resolution honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; 590, a resolution honoring the 28th Infantry Division for serving and protecting the United States; and 591, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

Had I been present, I would have voted "yea" on rollcall votes 589, 590, and 591.

HONORING COMMANDER JOSEPH R. DRINKHOUSE FOR HIS SERVICE IN THE UNITED STATES NAVY RESERVE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Commander Joseph R. Drinkhouse for his 40 years of service in the United States Navy Reserve. As he nears his official retirement on January 1, 2009, Commander Drinkhouse deserves respect and appreciation for his long service in the United States Armed Services.

Commander Drinkhouse served the first 12 years of his Navy career as an enlisted intelligence specialist first class. During this time, his responsibilities increased as he served as an intelligence analyst, team leader, group leader, and leading petty officer. In 1980, Commander Drinkhouse received a direct commission as an intelligence officer with the rank of lieutenant, junior grade.

Commander Drinkhouse received full credentials as an officer agent in 1986, while serving in the Naval Investigative Service Reserve Unit 0893. He supervised an investigative team and conducted criminal investigations, including witness and suspect interviews, scene processing, and evidence collection. Commander Drinkhouse was transferred to Reserve Intelligence Area 15 in 1997, where he set up a team of officers and agents to take part in joint task force exercises as counterintelligence scriptors. For his service during this time, Commander Drinkhouse was awarded the prestigious Navy and Marine Corps Commendation Medal from the Secretary of the Navy.

Over the past decade Commander Drinkhouse has completed multiple deployments to Bahrain in the Middle East. In 2001, he provided force protection support to the Naval Criminal Investigative Service Middle East Field Office. Commander Drinkhouse also wrote and headed terrorist based exploitation assessment operations and vulnerability assessments while stationed in Bahrain. These services earned Commander Drinkhouse two additional Navy and Marine Corps Commendation Medals from the Secretary of the Navy. In addition, Commander Drinkhouse provided force protection support at Camp Lejuene in North Carolina.

Over his long career Commander Drinkhouse has won many awards, including the Navy and Marine Corps Commendation Medal with two Gold Stars, the Navy Unit Commendation Ribbon, the Navy Reserve Meritorious Service Medal with two Bronze Stars, the National Defense Service Medal with two Bronze Stars, the Armed Forces Expeditionary Medal with Bronze Star, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Service Medal, and the Navy Expert Rifle Medal and Navy Sharpshooter Pistol Ribbon.

Madam Speaker, Commander Drinkhouse is an excellent role model for young Americans considering serving in the United States Armed Forces. He is an inspiration to service members everywhere, and to all citizens of our great nation. I commend Commander Drinkhouse for his 40 years of service to our country and wish him the best of luck in his future endeavors.

IN HONOR OF GLENN W. KRUEGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Glenn W. Krueger on the occasion of his retirement, and in recognition of his outstanding commitment to his country, his family, and his community. Glenn is retiring as Fire Chief after 41 years of dedicated service to the city of Brook Park.

Glenn Krueger has an immeasurable track record of community and public service. Prior to becoming a fire fighter in Brook Park, Ohio in 1967, he served in the United States Navy from 1960 to 1963. He was hired as a fire fighter for the city of Brook Park on September 15, 1967. Fire fighters often endure long work hours and dangerous conditions when responding to emergency calls. Fire fighters put their lives on the line everyday to protect and serve the community; and are often the first emergency workers to respond to critical situations. In addition to protecting the public from hazardous situations, many fire fighters like Glenn become certified EMT's in order to provide medical treatment at the scene. Glenn was promoted to Lieutenant in 1973 and served as a certified EMT for 6 years. He was again promoted in 1986, this time as Captain of the Brook Park Fire Department. He would serve in that position for 13 years, until his promotion to Fire Chief 8 years ago.

Glenn and his wife Carol Jaye have been married for 46 years and have resided in the city of Brook for the last 36 years. They have five children; Christi, Tricia, Rebecca, Glenn and Scott; and have six grandchildren; Cory, Alicia, Rob, Leah, Jeremy and Jordan.

Madam Speaker and colleagues, please join me in honor of Glenn W. Krueger, and in recognition of his exceptional leadership and dedication to the city of Brook Park, on the occasion of his retirement as a fire fighter after 41 years of service.

IN RECOGNITION OF THE NATIONAL RENEWABLE COOPERATIVES ORGANIZATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. BUTTERFIELD. Madam Speaker, on the day that the House is considering far-reaching legislation that encourages the development of renewable energy please join me in applauding the efforts of the National Renewable Cooperatives Organization (NRCO).

The North Carolina Electric Membership Corporation (NCEMC) recently announced its participation in the efforts of this newly formed national cooperative to help electric cooperatives develop renewable energy resources through projects and infrastructure improvements.

NCEMC is a generation and transmission cooperative that supplies all or part of the energy needs to the state's electric cooperatives. North Carolina's electric cooperatives provide energy to 2.5 million people in 93 of 100 counties, primarily in rural parts of the State. The electric cooperatives own and maintain 95,000 miles of power lines, by far the most of any electric utility in North Carolina.

Generation and transmission cooperatives across the nation are already working to further develop renewable resources and many are purchasing renewable energy credits. NRCO provides expertise and information for participating co-ops and provides the opportunity to match the needs of some cooperatives with the practical potential of others.

It is anticipated that NRCO will work with the North Carolina's electric cooperatives' newly formed renewable company, GreenCo Solutions, Inc., to identify cost-effective projects and opportunities to purchase renewable energy credits that will benefit consumers in the future.

By working closely together and sharing information, these electric cooperatives will able to minimize investment risks and maximize the benefits. This is an important effort with enormous potential to help move America toward energy independence.

Madam Speaker, I ask all my colleagues to join me in applauding the important outstanding collective and collaborative efforts of the North Carolina Electric Membership Corporation and the National Renewable Cooperatives Organization.

IN HONOR OF RON BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ron Brown, and in recognition of his work for social justice and dedication to the Parma Democratic Party. I, along with the Parma Democratic Party, recognize Ron as the Parma Democrat Volunteer of the Year.

Ron has an immeasurable track record of community and public service in the local Democratic Party and for the city of Parma. He graduated from Valley Forge High School in Parma Heights in 1996 and continued his education at Cuyahoga Community College, where he earned a degree in business administration. His dedication to serving the residents of Parma is demonstrated by his 14 years of public service for the city of Parma. He currently works as a case manager for the Parma Public Housing Department and is always at the forefront of activism on behalf of the citizens of Parma.

Ron earns the award of Parma Democrat Volunteer of the Year for his enthusiasm and commitment to the Parma Democratic Party. For years, Ron has worked diligently with the community on voter registration and has volunteered as a precinct chairman. A familiar face to many in the community, he has gone door-to-door, volunteered at polls and canvassed for all the democratic elected officials in Parma. Ron has been a tremendous volunteer and leader for the local Democratic Party.

Madam Speaker and colleagues, please join me in honor of Ron Brown, and in recognition of his commitment to social justice and public

service, as he is named this years Parma Democrat Volunteer of the Year.

TRIBUTE TO PASTOR JUDITH HANLON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to Pastor Judith Hanlon of the Hadwen Park Church, a United Church of Christ Open and Affirming parish, located in Worcester, Massachusetts. She will be formally ordained on Sunday, September 14, 2008.

Pastor Judith Hanlon has distinguished herself as a passionate champion for equal rights by fighting for social justice in the Worcester community and abroad. Raised in Indiana along with six siblings, she was greatly influenced by her upbringing in the Pentecostal church in which her father was a minister. She has two daughters and raised them as a single mother, a noteworthy inspiration to her parishioners. Her deep faith is complemented by her amazing talent and love of music. For 25 years, Pastor Hanlon directed and accompanied singing groups at the Salem Covenant Church in Worcester, Massachusetts. Playing the piano at age 5 and writing music by the age of 9, her musical talent helps to promote her faith and desire for justice. She has produced two CDs of social justice Christian music. After retiring at the age of 45 from her marketing representative career at Verizon—formerly ATT, Pastor Hanlon then pursued her second calling as a pastor.

Serving as the pastor of the Hadwen Park Church since 2000, she quickly and easily gained the love of her community by welcoming all persons with her witty and devoted personality, her positive attitude, and celebratory style. Pastor Judy is courageous in her work for social justice, articulate, inspiring, and often very funny with her messages of love, faith, and overcoming challenges to find the positive side of life. And she is respectful of all people—even in times of disagreement. She is extremely well known for her commitment to and celebration of diversity. Gracelift is her signature e-mail name; it appropriately depicts Pastor Judy and her work.

Under her leadership, Hadwen Park Church proudly moved to become an Open and Affirming parish to show and tell the world that ''all are welcome'' at HPC—people of all ethnic and cultural backgrounds, sexual orientation, ages, family make up and physical mobility challenges. She led the way to cast—wide open—the welcoming doors. As a result, the church membership has more than doubled, to the point where the former little white church at the corner of Knox and Clover Streets in Worcester could not accommodate the growing stream of Sunday attendees or committee meetings and events. As such she inspired and believed that the mighty little congregation could achieve a million-dollar capital campaign and expansion project. She was right; the project was successfully completed within a short, and miraculous, 2-year time frame. With the ongoing work of the church, it looks like another expansion is needed for meeting rooms and child care needs, the growing food pantry and more. Staying current with outreach and news, through technology, is important to Pastor Judy; a Web site was created at her suggestion and ''A Place of Grace'' e-mails are disseminated to hundreds of parishioners and colleagues weekly to promote the important work of the church.

Further, the church family has been active in the fight against HIV/AIDS; provided assistance to Hurricane Katrina and Rita victims through the Hope Shall Bloom Project; organized and inspired youth to do service work in South America and in their community; doubled its food pantry to be able to serve the hungry; and provided assistance to countless people in need from the congregation and in the Greater Worcester area. Pastor Hanlon has also been a tireless advocate for the rights of the GLBT community in her parish, the community and the State. Pastor Judy has been a leader in the effort to promote equal marriage and helped spearhead the ''Equal Marriage: The Freedom to Marry Coalition in Massachusetts'' initiative. Recently, several immigrants, fleeing from abuse in their country of Jamaica because of their sexual orientation, turned to a safe and welcoming haven with Pastor Judy and Hadwen Park church. As a result, she now helps to lead local efforts to promote human rights for GLBT people in Jamaica. For her work on these issues she was awarded the Safe Homes ''People of Courage Award'' in 2006.

Madam Speaker, I commend this amazing, grace-filled, and inspiring leader of faith for her dedication to making the Worcester area and our world a better place, and I ask all my colleagues to join me in offering her congratulations on her ordination.

IN RECOGNITION OF THE SONGS OF LIFE INTERNATIONAL CHORAL FESTIVAL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WILSON of South Carolina. Madam Speaker, Bulgaria is an ally of the United States, and this Congress has recognized the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance, Most recently, the House of Representatives passed House Resolution 1383, which recognized the 100th anniversary of the independence of Bulgaria.

Through a grassroots movement organized by Kalin and Sharon Tchonev of Lexington, South Carolina, the American-Bulgarian partnership continues to strengthen. Kalin and Sharon have founded the Songs of Life International Choral Festival to be held this November 21st through December 1st. The festival will include performances in Plovdiv and Sofia, Bulgaria, as well as Tel Aviv and Jerusalem, Israel. It marks the 65th anniversary of the historic rescue of Bulgaria's Jews during the Holocaust and serves as an opportunity to connect citizens from these nations on cultural, educational, and spiritual levels. Songs of Life will bring together choirs, musicians, educators, and students from around the world.

Just as our sister-city relationships serve to advance friendships and understanding among Americans and Bulgarians, the organizers of this festival hope and believe that it will have as positive an impact on an international level. Not only are the United States and Bulgaria allies, but we share common values and a belief in freedom. The Songs of Life International Choir Festival is a platform to share these values with the rest of the world.

I wish to commend Kalin and Sharon Tchonev for their hard work in strengthening tlhe partnership between the United States and Bulgaria.

IN HONOR OF THE EL HASA TEMPLE #28

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the El Hasa Temple #28 Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, A.E.A.O.N.M.S., on the occasion of their one-hundredth anniversary. The members of El Hasa Temple #28 celebrate this grand anniversary with their 46th annual Potentate Ball. I also rise in honor of El Hasa's current Illustrious Potentate, Andrew D. White, and in recognition of his outstanding leadership and dedication to the community.

El Hasa Temple #28 A.E.A.O.N.M.S. was founded on November 19, 1908, when it obtained its Charter from the Imperial Council. The Charter was delivered to Charles E. Gordon, who became El Hasa's first Illustrious Potentate. On the occasion of El Hasa's one-hundredth anniversary, I also rise in honor of H.H. Franklin, the 25th Illustrious Potentate, F.D. Armstead, the 50th Illustrious Potentate, and LaVon McCall, the 75th Illustrious Potentate. El Hasa is part of an international fraternity built on the values of fellowship, philanthropy and community. During Christmas each year, members of El Hasa Temple #28 distribute Christmas baskets to the economically disadvantaged in the Greater Cleveland Area.

Madam Speaker and colleagues, please join me in honor of El Hasa Temple #28, as they celebrate their one-hundredth anniversary during their annual Potentate Ball, and in recognition of the outstanding community work its members contribute to the Greater Cleveland Area.

RECOGNIZING NEAL SUNDEEN, JOHN ALDECOA AND PAUL GRIFFEN, AMERICAN LEGION DEPARTMENT OF ARIZONA, ADVOCACY FOR THE G.I. BILL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mr. Neal Sundeen, Mr. John Aldecoa and Mr. Paul Griffen, three individuals from my district whose leadership roles in The American Legion was instrumental in building broad bi-partisan support for the new 21st Century G.I. Bill of Rights. These three men deserve the admiration of their state and nation for their efforts to improve the lives of

Veterans. I commend them for their tireless service and sacrifice to this country.

This year, with the passage of the G.I. Bill, 1.5 million post-9/11 military veterans will have access to a college education. This legislation will help fulfill the obligation America has to those with honorable wartime service. As a member of the Veterans Affairs Committee and the Chairman of the Subcommittee on Oversight and Investigations I regard this as the most important piece of veteran's legislation in a generation.

I commend Mr. Sundeen, Mr. Aldecoa and Mr. Griffen for their selfless dedication to the advancement of this legislation. These gentlemen have worked in the State of Arizona, as well in Washington, to make their elected officials fully aware of the importance of this bill.

The grassroots efforts of these three men will help this new generation of returning servicemembers make a more successful transition back to civilian life. This will not only benefit those veterans, it will also provide a tremendous boost to our nation's economy and productivity. The new G.I. Bill keeps our promise to provide better educational opportunities to the men and women who have valiantly protected this country and its liberties.

Madam Speaker, please join me in recognizing these gentlemen for their efforts and their continued dedication to America's veterans.

MR. BRUCE LEETZ AND NORTH COAST DISTRIBUTING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. VISCLOSKY. Madam Speaker, it is with pleasure that I stand before you today to recognize one of Northwest Indiana's exemplary companies. For nearly seventy years, North Coast Distributing has been a leader in the Northwest Indiana business sector, and while the company has seen much success, it is what they have done to give back to the community that makes them so vital to Northwest Indiana. For the third straight year, North Coast, in conjunction with Ivy Tech Community College of Northwest Indiana, will be providing the community with their "Fall Innovators Cafe" in an effort to share their expertise in operating a successful organization with regional and community leaders. This special event will take place on Thursday, September 25, 2008.

A local, family-owned beer wholesaler since 1939, North Coast Distributing, formerly Valpo Beverages, Incorporated, has become one of the premier distributors in the Midwest. The success they have seen, under the leadership of President and Chief Executive Officer Bruce Leetz, is in large part due to the core values of North Coast: Passion for business, Respect for each other and surroundings, Integrity to demonstrate the highest ethical and moral standards, Commitment to achieve goals, and in Excelling in everything they do. This commitment to excellence has led to many accolades at the local, state, and national levels for North Coast, who in 2007 became the first distributor to win both the Miller and Coors top distributor awards. While the many awards they have received are outstanding enough, North Coast's commitment to corporate responsibility and to their community are the most impressive.

Led by Bruce Leetz, North Coast Distributing has always been committed to promoting responsible consumption and in giving back to the community, as is evidenced by their participation in the upcoming innovative session. A graduate of Valparaiso High School and Ball State University, Bruce has been employed with North Coast for over 45 years. In 1970, Bruce took over as President of the company, and his accomplishments, as well as the success of North Coast, have been astonishing. A true expert and legend in the industry, Bruce has served in many capacities, including: membership on the National Beer Wholesalers Association's Executive Board, as President of the Indiana Beverage Alliance for ten years, and as Chairman of both the Miller and Coors Distributor Councils. Like his company, Bruce has always been an active participant in his community as well, having served on the boards of the Northwest Indiana Forum, the Valparaiso Chamber of Commerce, and the Northwest Indiana Entrepreneurship Academy. He is also a past president of the Porter County United Way and the Valparaiso Rotary Club, and he is a Ruling Elder at the First Presbyterian Church in Valparaiso.

For his service to his community and his commitment his industry, both economically and socially, Bruce has received many accolades throughout the years. To name a few of these, in 2004, Bruce was recognized as a Miller Legend, a lifetime achievement award that is the Miller Brewing Company's highest honor. Also, in 2005, then Governor Frank O'Bannon presented him with the Sagamore of the Wabash award, one of the highest honors awarded by the Governor of the State of Indiana.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Bruce Leetz and North Coast Distributing on their success throughout the years and honoring them on their commitment to the people of Northwest Indiana. Bruce and the entire team at North Coast Distributing are to be commended for their dedication to improving Northwest Indiana.

HONORING THE LIFE AND MEMORY OF MRS. BARBARA COLBECK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Barbara Colbeck upon her passing at the age of 64.

For almost 50 years Barbara dedicated her life to liturgical music and her community. Born and raised in Detroit, Barbara attended Saint Lawrence Grade School and Holy Redeemer High School. There, she would meet and fall in love with her high school sweetheart William. They married, and spent 40 wonderful years together. A resident of Livonia, Barbara began to play piano and organ at St. Lawrence when she was in 7th grade. For 49 years she played at Detroit area Churches. She played liturgical music at St. Simon, St. Jude, was First Organist at St. Colette, and finally served as Music Minister at St. Edith.

On August 17, 2008, Barbara passed away. A beloved mother, grandmother, daughter, and sister, she is survived by her husband William, sons Patrick and Christopher, daughter Cherlyn Sellepack, and grandchildren Michael, John, Carolann, and Julianna. Known by her friends and family for her generosity, her strength, and her smile, Barbara faced cancer with dignity and courage, never losing her faith or friendship for all. St. Edith Church was graced by her music and her smile for 23 years. Barbara Colbeck's music will live on in the memory of those who knew her.

Madam Speaker, Barbara Colbeck is remembered as a musician, cantor, teacher, mentor, and friend. Today, as we bid her farewell, I ask my colleagues to join me in mourning her passing and honoring her lifetime of contribution to our community.

TRIBUTE TO STEPHEN L. LANZA OF THE BUFFALO POLICE DEPARTMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. HIGGINS. Madam Speaker, I am pleased today to honor the accomplishments of Officer Stephen L. Lanza of the Buffalo Police Department. He is truly one of Buffalo's finest, a loving son, an outstanding dad, a great brother, a wonderful neighbor and a loyal friend and a dedicated police officer.

Throughout Lanza's service as a Police Officer, he exemplified the term "public servant." After being appointed to the Buffalo Police Department in 1985, Lanza spent the next twenty-three years of his life dedicated to the people and city he was sworn to protect. For twelve of those years Steve served as a delegate to the Patrolmen's Benevolent Association and unselfishly volunteered as a delegate to several committees, including the Political Action Committee where he interviewed political candidates assessing who was most committed to public safety and making Western New York a better community.

Our community owes Officer Lanza a debt of gratitude for his tireless dedication to making South Buffalo a finer and safer place to live. He is currently a member of the International Police Association, Region 1, the 901 Social Service Organization West Seneca Chapter, and President of the Italian American Police Association. Lanza also contributes to the Federation of Italian American Societies and as a religious education instructor at Queen of Heaven Roman Catholic Church. He is also an avid political activist and volunteer.

Madam Speaker, I want to thank you for this opportunity to honor Officer Lanza for his dedicated service career on the Buffalo Police Department. I ask my colleagues to please join me in wishing Officer Stephen L. Lanza and his family continued good health and happiness in the years to come.

HONORING BRIAN BLANCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Blanch of Liberty, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1134, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Blanch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. SHUSTER. Madam Speaker, on rollcall Nos. 589, 590, and 591, I was not present. Had I been present, I would have voted ''yes'' on rollcall No. 589, ''yes'' on rollcall No. 590, and ''yes'' on rollcall No. 591.

TRIBUTE TO DR. JOSEPH E. HEYWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to this exceptional public servant and advocate, who has proudly served his community and the State of South Carolina. Dr. Joseph E. Heyward was recently acknowledged for his service and awarded with The Alpha Award of Honor and Merit by the Alpha Phi Alpha Fraternity on July 20, 2008.

This award was given to Dr. Joseph E. Heyward because of his courage, vision, wisdom and independence of thought and action which characterizes the best leadership in American life. He has distinguished himself through his spirituality, profession and culture. This award recognizes contributions he has made through his ideas, ideals and work.

Dr. Joseph E. Heyward is the fourth of five children and the youngest son of John Wayne and Wilhelmena Wright Heyward. He was born in Florence, South Carolina and educated in the public school system, graduating from Wilson Senior High with recognition for his academic excellence and leadership ability.

After High School, Dr. Heyward attended Hampton Institute in Virginia. He received a Bachelor of Science Degree in Mathematics with a minor in Physics in 1963. He continued his education at Morgan State University in Baltimore, Maryland and received a Master of Arts Degree in Mathematics in 1972. He received a Doctor of Education Degree in Student Personnel Administration from the University of South Carolina in 1987. He also studied Physics at Wake Forest University in North Carolina and was awarded an Honorary Doctor of Humanities by Francis Marion University in Florence, South Carolina.

While at Hampton University, Joseph E. Heyward joined Alpha Phi Alpha Fraternity through the Gamma Iota Chapter. He then joined the Delta Kappa Lambda Chapter in Florence after his return from a two-year military tour of duty in Europe. Joseph E. Heyward has been a active member in his local chapter since 1967 and has served as its president, secretary and is currently its treasurer.

In his community and civic involvement, Joseph E. Heyward serves as president of four housing boards of directors, a Rotarian, Wachovia Bank of South Carolina Advisory Committee, South Carolina Genetics Board of Directors, South Carolina Housing Advisory Board, a former member of the South Carolina State Board of Accountancy and former member of the Florence Symphony Board.

Dr. Heyward is a member of Cumberland United Methodist Church in Florence, SC. He serves as the Conference Lay Leader for the South Carolina Conference of the United Methodist Church and chairs the Board of Laity. He has attended the past six General and Jurisdictional Conferences of the United Methodist Church and currently is the Vice Chair of the Southeastern Jurisdictional Association of Annual Conference Lay Leaders. He also served one quadrennial as a member of the General Council on Finance and Administration for the Methodist Church and currently he is the member of the General Board of Pension and Health Benefits for the United Methodist Church and its Executive Committee.

Professionally, Dr. Heyward has taught mathematics and physics on the high school level and served as Assistant Principal and Principal of a middle school. In 1973 he joined the staff of Francis Marion University and went on to hold the position of Director of the University Center and Area Representative for U.S. Senator Ernest ''Fritz'' Hollings from 1978–1980. In 1980 he was recruited and accepted the position of Assistant Superintendent for instruction for Florence District One. He held that position for three years and in 1983 returned to Francis Marion University as Vice President. As a member of the administration at Francis Marion, Dr. Heyward served as Interim Provost of that university on three separate occasions. He retired from the University in June 2006 as Senior Vice President for Student Affairs.

In addition to the many accomplishments and community involvements listed above, Dr. Heyward is a member of the NAACP, Phi Kappa Phi Honor Society, Omicron Delta Kappa National Leadership Honor Society, and Beta Gamma Sigma Honor Society. He has also held membership in the National Association of Student Personnel Administrators, Southern Association of College Student Affairs, and the South Carolina College Personnel Association.

Dr. Heyward is supported by his wife of 38 years, the former Evelyn Sargent, and their three children, Joseph II, Ryan Christopher and Regina Maria. He has four grandchildren; Joseph E. III, Ryan C, Jaylen C, and Mackenzie A.

Madam Speaker, I ask you and my colleagues to join me in celebrating the achievements of Dr. Joseph E. Heyward and congratulate him on his recent honor. His life is a testament to the results of hard work, dedication and commitment.

HONORING STEVEN SCOTT SWANEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Scott Swaney of Kansas City, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 301, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many Scout activities. Over the many years Steven has been involved with Scouting, he has earned not only numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Scott Swaney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. STUPAK. Mr. Speaker, I rise today in support of S. 2339, a bill to name the Department of Veterans Affairs community-based outpatient clinic in Alpena, Michigan, after LTC Clement C. Van Wagoner.

I would like to thank Chairman FILNER and Ranking Member BUYER for their support of this legislation.

Clement C. Van Wagoner, a native of Alpena County, is one of Michigan's most highly decorated veterans of World War II. He distinguished himself as commander of the A Co., First Battalion, 18th Infantry Regiment, 1st Infantry Division, serving 600 days of combat and returning to battle after being wounded five separate times.

Mr. Van Wagoner was one of only 32 survivors of the 1,800 soldiers who landed with the 1st Infantry Division at Omaha Beach on D-day.

He was the recipient of the Combat Infantry Badge, four Silver Stars, seven Bronze Stars, five Purple Hearts, the Soldier's Medal, and many others.

However, Mr. Van Wagoner's service did not stop after returning home. He continued to serve the State of Michigan and his country

honorably as a member of the Michigan Army National Guard. The governor requested that he re-establish and command an Army National Guard unit in Alpena, which he commanded until he retired in 1967.

Mr. Van Wagoner was an outstanding member of his community, a local hero, and a great American. His son, Clayton, has carried on the family tradition of national service as a member of the Army Reserve.

Clement C. Van Wagoner passed away in 2007. It is fitting to honor him, his years of service, and his family by naming the Veterans Affairs clinic in Alpena the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic."

This legislation has been endorsed by the Michigan American Legion, Michigan VFW, Michigan AMVETS, Michigan DAV, Alpena County Board of Commissioners, City of Alpena, Township of Alpena, and Alpena County Veterans Council.

I would also like to thank the entire Michigan House delegation for their support on this legislation and Senators STABENOW and LEVIN for their work on S. 2339.

TOUCHING THE FACE OF GRACE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WOLF. Madam Speaker, I would like to call to the attention of the House an article written by my constituent, Mitchell L. Hubbard of Winchester, Virginia, about his son's experience while deployed to Iraq. His son's story should make us all think about our armed forces, as well as the police and first responders, who risk so much to serve us every day.

TOUCHING THE "FACE OF GRACE": DO WE HAVE THE ABILITY, OR DESIRE, TO SEE OUR SOLDIERS IN THE SAME WAY?

(By Mitchell L. Hubbard)

Whatever your political take on the war in Iraq, nothing can alter it more than having a loved one in the midst of it. Nor is anyone's current perspective balanced until they hear at least some things from a soldier's point of view.

My wife and I learned these truths when our son—a 2004 Handley graduate—decided to join the Army in 2006. His reasoning was simple: He wasn't comfortable knowing that thousands of others his age were sacrificing their own freedoms to protect his. When he signed up to join those thousands, it changed our perspective as well.

Up to that point, it had always been other peoples' sons and daughters doing the fighting. Now it would be our own child. Naturally, no one wants their child to volunteer to go in harm's way for freedom's sake. It was something of a conviction, though, when my wife and I had to ask ourselves why it shouldn't be our own son in the Middle East, why we should be spared the rituals of anxiety, prayer, hope, and waiting that tens of thousands of other families over here have already endured.

In early June, we flew to Fort Hood, Texas, to see our son deploy for a 15-month tour in Iraq. Again, one's perspective is limited until one attends a deploying ceremony for a unit of soldiers. Spouses, children, parents, siblings, and friends, all crowding a gym, all clinging closely to their treasures-in-uniform, accompanied by flags, prayers, cheers, and tears. Our son had joined a "Band of Brothers." My wife and I had joined the "Band of Others," who would be waiting at home. Both those going, and those left behind, carry the War on Terror in a personal way.

Still, those of us left behind need to see something of what our soldiers see, and not only what is offered us in the news. To that end, here is one story our son, Luke, shared with us by phone, that must be shared with anyone who claims an interest in what our soldiers are doing in the Middle East.

Stationed outside a city on the Tigris River, Luke had accompanied his colonel into town as part of a security team, while the colonel spoke with a local sheik. While standing guard, Luke noticed a woman approaching from behind, and cautiously turned in her direction, his rifle at the ready.

An interpreter told our son it was OK—the woman just wanted to touch a soldier. Still uneasy, Luke stood still while the woman reached out her hand and touched his face, tears in her eyes.

Looking to the interpreter for meaning, our son was told: The woman had simply "wanted to touch the face of grace." It seems this trembling woman, like most of the people in her town, looked upon our soldiers as angels of grace, sent by God to protect her from the violence and oppression her people had come to know up to then. Learning this, our son squeezed and kissed the woman's hand, and she left, weeping.

The "Face of Grace." How many of us, safe at home debating the politics of the War on Terror, have ever seen our soldiers in such a light? How many of us have ever even read such an uplifting newspaper account of our soldiers?

To be sure, our soldiers are not virtuous simply by being soldiers. At home in their "civvies," they are as unangelic as the rest of us. Yet when they voluntarily get into "full battle rattle" (as they call their battle gear) in a hot and hostile land, their job is both protective and sacrificial—as angelic a purpose as humans can take on. People like this woman, having suffered years of oppression and fear, have eyes and a heart to see this, and to desire to "touch the Face of Grace." Do we have the ability to see our soldiers in the same way?

And not merely our soldiers: Can we see the "Face of Grace" in the police who protect us in every town, day and night? Or in the fire and rescue teams who are soldiers in their own right?

My wife and I obviously pray that our son and his "Band of Brothers" will come safely home to their personal "Band of Others." After listening to our son's experience, though, we have added the prayer that Americans in every community will be given the eyes and heart to see the "Face of Grace" in all who protect our lives and freedoms—especially in soldiers like our son.

MISSOURI KOREAN WAR MEMORIAL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I recognize the legacy of the Korean war veterans from the state of Missouri on the day of the groundbreaking of the Missouri Korean War Memorial.

Thousands of soldiers fought courageously in the Korean war and now these veterans and their families will finally receive the honor they have deserved for so long. Approximately 900 men and women from Missouri lost their lives to protect the Republic of South Korea between 1950 and 1953.

I would like to thank the Kansas City Parks and Recreation Department for donating the land, as well as the individual donors who made this memorial possible. The memorial will serve as a beautiful site to pay tribute to the veterans of the Korean war and I look forward to 2010 when it is completed.

Madam Speaker, the dedication and sacrifice that these veterans gave in the name of freedom is humbling, and it is an honor to serve these men and women in Congress. I ask my colleagues to join me in honoring a very elite group of veterans from the great state of Missouri, and to congratulate the city of Kansas City on the groundbreaking of the Missouri Korean War Memorial.

THE DAILY 45: CHERYL BOOKER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States.

In Buffalo, New York, two people died in separate shootings on September 15. One was 51-year-old Cheryl Booker, who was inside a lounge early Monday morning when she was shot in the upper body.

In the other shooting, a 19-year-old man was hit by gunfire from a car and died at the hospital. His name has not yet been released, but we don't need to know his name. We know that it could have been your loved one, it could have been mine.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. AL GREEN of Texas. Madam Speaker, I was unavoidably detained in my district on Monday, September 15, 2008 because of Hurricane Ike. I missed rollcall votes 589 through 591. Had I been present, I would have voted "aye" on rollcall 589, "aye" on rollcall 590, and "aye" on rollcall 591.

SUPPORTING THE EFFORTS OF AMAVEX AND OTHER VENEZUELANS IN EXILE TO SHOW THE ASSOCIATIONS BETWEEN CHAVEZ AND THE FARC

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. LINCOLN DIAZ-BALART of Florida. I rise today in support of the efforts of

AMAVEX, a group of Venezuelan exiles who work, along with more than thirty non-profit organizations, in support of the ''Bring Chavez to Justice'' campaign. This campaign aims to highlight the troubling associations between Venezuelan dictator Hugo Chavez and the Marxist-terrorist group known as the Revolutionary Armed Forces of Colombia, FARC.

The FARC has been listed as a Foreign Terrorist Organization by the United States government since 2001. Between 1996 and January 2008, the FARC kidnapped 6,877 people including three U.S. citizens who were recently liberated by the valiant efforts of Colombia's government. Mark Gonsalves, an American contractor kidnapped and held by the FARC for more than five years, described his ordeal at the hands of his captors and declared that the FARC are ''terrorists with a capital 'T'.''

Chavez supports the FARC unashamedly proclaims his admiration for this violent terrorist group. He described the FARC in January 2008 as ''a real army.'' While his praise is sometimes peppered with halfhearted criticisms of the FARC's narco-trafficking, kidnappings, and violence, his actions betray his true intentions. He welcomes the FARC to conduct operations along Venezuela's border with Colombia and does nothing to cooperate with Colombia and the U.S. to combat the terrorist group's drug trafficking within its borders.

The computers and evidence that came from the raid that killed the FARC's second in command, Raul Reyes, also resulted in the discovery of evidence showing FARC-Chavez associations. Seized computer files reveal high level connections between the FARC and senior officials in the Chavez administration. These files, authenticated by INTERPOL, reveal hundreds of millions of dollars in payments from the Venezuelan government to the FARC. And, as recently as June of this year, Colombian officials captured four men, one who was a sergeant in Venezuela's national guard, for transporting 40,000 rounds of AK-47 ammunition to the FARC in Colombia.

It is often said that one can judge a person by the company he keeps. In this context, we should all take note that just last Thursday, while Americans observed the anniversary of the September 11 attacks, Chavez rejected all semblance of solidarity with the U.S. and our battle against terrorism by expelling the U.S. ambassador from Caracas. Chavez chooses the company of terrorists, drug traffickers, kidnappers and murderers, and severs diplomatic ties with the U.S. Chavez is a dictator who harbors terrorists.

Madam Speaker, I rise in support of AMAVEX and the efforts of all Venezuelans to bring the terrorist associations of dictator Hugo Chavez to the world's attention.

TRIBUTE TO CONGRESSMAN MICHAEL MCNULTY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Congressman MICHAEL MCNULTY on the occasion of his retirement from Congress and also to wish him a happy birthday. For 20 years, MIKE has represented New York in the House of Representatives, now in the 21st District. For nearly 40 years, MIKE has served in public office at the local, state, and national level. This Congress, MIKE announced that he would not seek an 11th term in the House.

MIKE has had an impressive career. He first served as Town Supervisor of Green Island, New York at only 22 years old. He was subsequently elected Mayor of Green Island and then to the New York State Assembly. Mike was elected to Congress in 1988 and has been known for his honesty and integrity. He has served on a number of important committees, including the Armed Services Committee, the Executive Committee of the Congressional Human Rights Caucus, and the Ways and Means Committee, where he is the Chairman of the Subcommittee on Social Security. He has traveled to all seven continents.

While MIKE'S service to his community and nation has been meritorious and incredibly valuable, what I have always admired most about him it the way he has gone about doing his job here in Congress. Among his colleagues, MIKE has often been referred to as ''the Quiet Gentleman'' due to the manner in which he does business. MIKE has managed to be an effective and fair legislator while treating people with respect and acting with dignity, which is no small feat in Washington. MIKE has always stayed above the fray and shunned the kind of partisan bickering that is far too often associated with the work of Congress.

MIKE is universally admired by his colleagues on both sides of the aisle and has served this body with distinction and I know that I speak for all Members the U.S. House of Representatives when I say that we are honored to have served with him.

I want to join MIKE's wife Nancy, his family, friends, and colleagues in congratulating him today on his impressive career and wishing him well. The United States of America owes a debt of gratitude to MICHAEL MCNULTY for the public service he provided. We will miss him from the New York delegation and from the Congress as a whole. We wish him good luck in his retirement.

INTRODUCTION OF THE DAIRY AND SHEEP H–2A VISA ENHANCEMENT ACT OF 2008 (H.R. 6885)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MCHUGH. Madam Speaker, on September 11, 2008, I introduced legislation, the Dairy and Sheep H–2A Visa Enhancement Act of 2008 (H.R. 6885), which is designed to ensure that American dairy farmers and sheep ranchers can legally hire the employees they need. Very simply, it would provide dairy farmers with access to the H–2A visa program and codify longstanding regulatory practices that currently allow sheepherders such access.

As I have previously mentioned, one cannot overstate the importance of the dairy industry to the United States economy. In 2007 alone, nearly 60,000 commercial dairy farmers produced 185 billion pounds of milk worth $35.5 billion. This generated more than $140 billion in economic activity and 1.2 million jobs. In New York's 23rd District, which I have the privilege of representing, dairy is an integral component of the economy, as there are approximately 2,000 dairy farms with some 190,000 milk cows dispersed across the 11 counties that comprise the District. Likewise, in 2007, national retail sales of sheep products were nearly $768 million. These retail receipts supported an additional $1.4 billion in economic activity for a total economic impact of $2.2 billion.

For all of its importance, the dairy industry simply cannot continue to operate at its current capacity, let alone expand, without immigrant workers. Increasingly, the U.S. dairy workforce is relying upon those born outside of the United States, with some estimates indicating that at least 50 percent of all current labor is now foreign-born. Without access to a stable workforce, many American farms could well go out of business. According to an analysis completed by the Farm Credit Associations of New York, over 445 New York dairy farms are highly vulnerable to this situation. In recent years, I have seen this vulnerability first hand as dozens of constituent dairy farmers have repeatedly shared with me the toll that the uncertainty associated with the status quo is extracting from them.

There is a similar need for year-round sheepherders. Given that the U.S. sheep industry was unable to secure sufflcient domestic labor to herd range livestock beginning decades ago, a regulatory provision was created allowing the industry to utilize the H–2A program to employ foreign sheepherders. This measure has proven to be extremely successful. For more than 60 years, more than one-fourth of the nation's entire sheep flock has been produced by ranchers utilizing sheepherders born outside of the United States.

Unfortunately, due largely to its ''temporary or seasonal in nature'' employment requirement, dairy farmers are currently unable to utilize the H–2A visa program. Thus, it is imperative that Congress act now to provide American dairy farmers access to this program through enacting the Dairy and Sheep H–2A Visa Enhancement Act of 2008. This measure would codify existing regulatory practices and allow American sheep ranchers to legally hire foreign workers for an initial period of three years and additional terms of three years without requiring intervening periods of absence. It would also allow dairy farmers to hire foreign workers on a similar basis.

Put simply, American dairy farmers need workers now. They can ill afford to wait for Congress to complete its long delayed attempts to enact legislation accomplishing comprehensive immigration reform. Accordingly, I urge my colleagues to work with me to help American dairy farmers and bolster our nation's economy by enacting the Dairy and Sheep H–2A Visa Enhancement Act of 2008.

REMEMBERING LEONARD B. ''BUD'' DOGGETT, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WOLF. Madam Speaker, on August 13, when the Congress was in recess, the Washington, DC, region lost one of its great civic leaders when Leonard B. ''Bud'' Doggett, Jr.,

passed away at the age of 87. Bud will be remembered by all for his steadfast dedication to community, especially through ''Heroes,'' the non-profit organization he founded to support the families of law enforcement officers and firefighters killed on the job. His legacy of civic involvement should be an inspiration to all of us. I ask that an editorial in the Washington Post about Bud's life, as well as the obituary about him from the same paper, be inserted in the RECORD. We offer our sympathies to his family.

L.B. DOGGETT JR.; PARKING TYCOON, CIVIC LEADER

(By Adam Bernstein)

L.B. ''Bud'' Doggett Jr., 87, a publicity-averse D.C. commercial parking magnate who emerged in the 1960s as a major civic leader and a central backstage figure in politics and community development, died Aug. 13 at his home in Washington after a heart attack.

Mr. Doggett was president and chief executive of Doggett Enterprises, the parent corporation of Doggett's Parking, which was founded by his parents in 1926.

It was the city's first private parking company, and the younger Mr. Doggett guided it quietly to greater prominence after taking over in the 1950s. For decades, he was a force in preventing the District from building municipally owned parking garages and challenging private firms, a rarity for a large U.S. city.

Mr. Doggett, who also amassed a large portfolio of real estate interests, was a dominant business figure in the city under the old federally appointed District Commissioners system and during the emergence of elected leaders in the mid-1970s.

He liked to joke privately that he was ''Shanty Irish,'' but he was an effective fundraiser for politicians on Capitol Hill and in what was then known as the District Building as well as a trusted power broker between the political elite in the city and the federal government.

His support was considered crucial to the completion of large ventures, including the John F. Kennedy Center for the Performing Arts and the old Washington Convention Center, heralded as the country's fourth largest after it was built in 1982. It was demolished in 2005.

A key legacy was Mr. Doggett's belief in keeping business in the, city despite the devastating riots of 1968 and later tax increases. He held high offices with what is now the Greater Washington Board of Trade—he served a term as president in 1967—and led many efforts to rejuvenate downtown.

While leading the board, he helped donate thousands of dollars' worth of equipment for training courses in typing and hairdressing as well as sports uniforms and toys for residents of the Valley Green housing complex in Southeast.

Longtime broadcasting executive Andy Ockershausen said Mr. Doggett was ''a good negotiator and believed in downtown Washington. He always felt if downtown was thriving, the whole metropolitan area would thrive. He kept his business here, refused to move it out of city.''

Leonard Brent Doggett Jr. was born Aug. 25, 1920, in the District and attended Georgetown Preparatory School.

He entered World War II as an Army Air Forces pilot, then transferred to the Army infantry after he was reprimanded for flying under a bridge during training in Texas.

As an infantryman, he received decorations for heroism. They included the Bronze Star for organizing a defense unit as others evacuated wounded soldiers from a besieged French village.

He took over his family's parking business in the 1950s and began a large push into real estate. He bought old rowhouses, which he rented as rooming houses before razing them for parking lots.

He also won federal parking concessions, including lots for the State Department and the Environmental Protection Agency. He later focused on major hotel chains, such as Sheraton and Hilton.

With other parking barons, such as Dominic F. Antonelli Jr. of Parking Management, he forged important business ties to Capitol Hill. They made campaign donations to legislators including Rep. John L. McMillan (D–S.C.), the longtime chairman of the House District Committee, to prevent the creation of a municipal parking authority.

He also was board chairman of several Washington banks and a director of Pepsi-Cola Bottling.

Ockershausen said Mr. Doggett prohibited publicity for his extensive charitable work.

In 1964, Mr. Doggett founded a nonprofit organization, Heroes, that dispenses financial aid to families of law enforcement officers and firefighters killed in the line of duty.

John Tydings, a former Board of Trade president who is involved with Heroes, said Mr. Doggett gave millions of dollars out of his pocket to help 225 law enforcement families in the Washington area.

''He set the bar high for civic leaders,'' Tydings said.

His wife of 57 years, Gladys Denton Doggett, died in 1999. A son from that marriage, Leonard Doggett Ill, died last year.

Survivors include his wife of eight years, Cherrie Wanner Doggett of Washington; a daughter from his first marriage, Frances Foster of Boca Raton, Fla.; a stepdaughter, Kristine Harrington of Arlington County; a sister, Rose Marie Melby of Gaithersburg; and three grandchildren.

[From the Washington Post, Aug. 16, 2008]

BUD DOGGETT

Leonard B. ''Bud'' Doggett Jr., the parking lot tycoon and D.C. power broker who always had the best interests of the city at heart, probably wouldn't have liked us writing about him in this space—he shunned publicity. But Mr. Doggett, who died Wednesday at the age of 87, exerted a powerful, mostly unseen and highly beneficial influence on the District during more than half a century. When he became president of what is now the Greater Washington Board of Trade in 1967, most businesses discriminated against minorities; Mr. Doggett urged his colleagues to accept diversity. He spearheaded projects that helped rejuvenate the city's downtown slums. City leaders advancing a worthy cause knew that they could count on Mr. Doggett. He would ask, ''Are you sure that's all you need?'' and end the conversation by saying, ''The check is in the mail.'' Most recently, Mr. Doggett was a driving force behind the District's impressive Hurricane Katrina relief efforts.

Mr. Doggett's friends say that his concern for the city stemmed from his humble roots. He was born in 1920 and grew up in an Irish tenement in an area near Union Station that immigrants affectionately called ''Swampoodle.'' After serving in World War II, he went to work for his parents, who owned a small number of parking lots downtown. Mr. Doggett started out working as a valet, often babysitting jalopies filled with children while their parents took in a show. He eventually took over the parking lot business from his father and expanded aggressively, amassing a lucrative portfolio of real estate.

But Mr. Doggett's most lasting legacy will undoubtedly be Heroes, a nonprofit organization he founded in 1964 that supports families of law enforcement officers and firefighters killed on the job. ''As a police officer with four kids of my own, I can't even put into words how important this program is,'' Patrick Burke, D.C. assistant police chief, told us. Heroes has given millions of dollars to the families of slain public servants and has helped put hundreds of children through college. Not bad, for a self-described shanty Irishman from Swamppoodle.

THE DAILY 45: CHICAGO POLICE OFFICER KILLS HIMSELF AND DAUGHTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. It is with a heavy heart that, today, I offer my condolences to the people of my community as I mourn the senseless loss of life of Chicago Police Officer Dannie Marchan, 29, and his daughter, seven-year-old Alizay. Police report these gun-related deaths as a murder suicide with Officer Marchan alleged to have taken his own life after shooting his two children.

This incident happened yesterday morning and, as of this time, Marchan's 9-year-old son, whose name has not been released, is still fighting for his life with his mother, Officer Marchan's ex-wife, at his side.

This senseless loss of life should not happen to anyone. In an instant that can't be taken back, Officer Marchan handled his stresses with a loaded weapon leaving devastating loss in its wake.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

INTRODUCTION OF THE BRUCE VENTO BAN ASBESTOS AND PREVENT MESOTHELIOMA ACT OF 2008

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GENE GREEN of Texas. Madam Speaker, today marks a milestone for the U.S. House of Representatives in the fight against asbestos-related disease. The Bruce Vento Act is strong and comprehensive legislation to prohibit asbestos-containing products in commerce.

As chairman of the Subcommittee on the Environment and Hazardous Materials Subcommittee, I believe action to eliminate asbestos-containing products from the U.S. economy and prevent asbestos-related disease is long overdue.

We are proud to have the support of the Asbestos Disease Awareness Organization, the Mesothelioma Applied Research Foundation, the AFL–CIO, the American Public Health Association, the Environmental Working Group, and other asbestos organizations.

Since we take this historic step near the end of the 110th Congress, we intend to move the legislation forward next Congress and work with all parties to address their concerns while maintaining public health protection.

We are taking this action because many of our constituents have suffered and passed away due to asbestosis, mesothelioma, lung cancer and other asbestos-related diseases and yet asbestos remains a legal product for many uses. Many workers in the 29th Congressional District of Texas were tragically lost due to their hard work in the shipping and maritime industries.

Many longshoreman, pipefitters, seafarers, and other maritime workers have been exposed to deadly asbestos risks, so Houston is no stranger to the scourge of asbestos, as uncounted families continue to grieve their loss day after day.

In 2000, a highly-valued Member of this House, Congressman Bruce Vento of Minnesota, was tragically lost to mesothelioma. He had made the protection of public health and the environment one of his priorities in Congress, and he represented his district extremely well.

We have worked very closely on this legislation with his successor, Congresswoman BETTY MCCOLLUM, who is equally devoted to the protection of her constituents and the legacy of Congressman Vento. Congresswoman MCCOLLUM's expertise, urgency and constructive attitude should be an inspiration to us all on this issue.

I would also like to recognize my good friends and colleagues on the Energy and Commerce Committee, Congresswoman HILDA SOLIS and Congresswoman LOIS CAPPS for their strong support and valuable contribution to this important legislation. Like many Members, they also represent too many families that have been devastated by asbestos-related disease.

For many years, statistics were inaccurate, but recent medical knowledge reveals that nearly 10,000 people continue to die each year as a result of asbestos-related disease. With such a horrible toll, many Americans may believe that asbestos was already banned.

In fact, EPA attempted to ban asbestos in products in 1989, well after the deadly effects were well-known, but their decision was overturned by the Fifth Circuit Court of Appeals in 1991 in the case Corrosion Proof Fittings v. EPA. This ruling based on the statutory interpretation of the Toxics Substances Control Act and administrative law kept the market for asbestos-containing products alive, while thousands continued to die.

The Bruce Vento Act does not permit asbestos in products sold in the U.S. in any concentration, except for those products that meet certain narrow, justifiable, and unavoidable exceptions and exemptions.

These exceptions apply when asbestos is present in a product due to deposition from ambient air, or from water that meets the Safe Water Drinking Act standard for asbestos. The limited exemptions from the prohibition banning asbestos-containing products take into account public health considerations and apply in specific situations and for certain products, such as aggregate products, like asphalt or concrete, or certain minerals that can be associated with asbestos.

These exemptions are narrowly tailored to reduce asbestos in products to the maximum extent possible. While asbestos is a naturally occurring mineral, it does not enter the stream of commerce without being brought there by economic activity.

As a result, we limit exemptions to situations where very low concentrations of asbestos are unavoidable. However, we continue to recognize that U.S. Environmental Protection Agency experts and others testified before our Committee that there is no known safe level of asbestos and it remains highly toxic even in very low concentrations.

Regarding these narrow exemptions, the legislative language is also quite clear that no exemption from an asbestos ban—either statutory or regulatory—should have any bearing on any litigation on one side or the other.

Our legislation explicitly takes care to not create any new federal causes of action or defenses for plaintiffs or defendants. In the United States, the courthouse doors should always be open to people with valid claims, but our goal is to reduce the need for such claims to be filed in the first place by avoiding asbestos-related injuries and deaths.

To prevent asbestos from entering the stream of commerce, our legislation provides for civil and criminal penalties for selling asbestos containing products consistent with other environmental laws. To be liable for criminal penalties, a violation must be knowing or willful.

As the chairman of the Environment and Hazardous Materials Subcommittee, I intend to work with my colleagues and all parties and move this legislation next year.

HONORING DR. HOWARD KOCH, OHIO'S 2008 OUTSTANDING OLDER WORKER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am pleased to commend Dr. Howard Koch of Lima, OH, to the House of Representatives as Ohio's 2008 Outstanding Older Worker.

Eighty-four years young, Dr. Koch performed general dentistry for 45 years. After selling his practice, he has continued to perform denture work for the past 12 years. About his life's work, Dr. Koch stated, "Work—it's not really work. I like what I do and when you like what you do, it's not work."

Dr. Koch has many accomplishments to his name from his distinguished career. In the 1960s, he co-chaired a committee to have fluoride added to Lima's water supply. He also made the first mouthguards for area football players. He has served as president of the Northwest Ohio Dental Association.

Though Dr. Koch has enjoyed a wonderful career, he did not always intend to be a dentist. He served as a bombardier during World War II and attained the rank of Second Lieutenant. He originally planned to be a teacher after serving in the military but changed his mind and entered the field of dentistry.

Though he keeps busy with his denture practice, Dr. Koch enjoys spending his free time cooking and baking homemade bread. He also enjoys dabbling in photography. He and his wife Patricia have been married for 63 years.

Madam Speaker, I take great pride today in recognizing Ohio's 2008 Outstanding Older Worker, Dr. Howard Koch.

IN MEMORY OF JOHN F. SEIBERLING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. UDALL of Colorado. Madam Speaker, like so many of our colleagues I heard with great sorrow of the passing of former Representative John F. Seiberling of Ohio.

While I did not have the opportunity to serve with Mr. Seiberling, I knew of his distinguished career and especially of his being a longtime friend and colleague of my father, both during and after his own service in the House.

My father and John Seiberling not only served at the same time, they worked closely together on many measures that came before what was then the Committee on Interior and Insular Affairs—now known as the Natural Resources Committee.

Examples include the legislation dealing with strip mining, the Surface Mining Control and Reclamation Act, finally signed into law by President Carter after President Ford had vetoed an earlier version, and the Alaska National Interest Lands Conservation Act, ANILCA, also known as the "Alaska Lands Act," which was signed into law on December 2, 1980.

Also, for many years John Seiberling was the voice of historic preservation in the Congress. He authored the legislation that created the Historic Preservation Fund and the 1980 Amendments to the National Historic Preservation Act, and he helped win passage of the first Federal tax credits to preserve historic buildings.

Indeed, both as a private citizen and a public leader, John Seiberling inspired and elevated the stewardship of our Nation's land and its natural and cultural heritage.

At home, he was a leader in saving the historic heritage of Ohio, including his birthplace, Stan Hywet Hall in Akron. And while he was the shepherd of more than 60 park-related bills, he took special pride in writing and achieving the enactment of the Act to protect the Cuyahoga Valley between Akron and Cleveland, Ohio, as a national recreation area, now a national park.

As his hometown paper, the Akron Beacon Journal put it "John F. Seiberling often explained that in preserving land, we preserve something of ourselves. One generation sends an enduring message to its successors about what it holds dear. Who has forgotten the wisdom of Theodore Roosevelt and others advancing the cause of national parks? In that same way, Mr. Seiberling long will be remembered . . . for his vision in seeking to preserve' 33,000 acres in Northeast Ohio, a vast urban parkland between Akron and Cleveland, and then having the political skills to turn the dream into reality."

And the same editorial also noted an important point about John Seiberling's character and why he was so effective here in Congress and back home:

Almost anyone who spent time with Mr. Seiberling soon encountered his intelligence

and wit. What his legislative colleagues and others appreciated was his modesty and civility, He listened to opposing views, Perhaps that stemmed from his own story, the scion of the family that founded Goodyear becoming a liberal Democrat. His calm, informed and reasoned approach proved most effective in aiding his causes. It meant that when he got his back up (say, his snapping ''Who the hell are you?'' at James Goldsmith, the corporate pirate seeking to consume Goodyear), his passion proved all the more persuasive.

President Clinton later awarded John Seiberling the Presidential Citizens Medal, which is awarded in recognition of U.S. citizens who have performed exemplary deeds of service for our Nation.

In making the award, the President rightly explained that "An ardent advocate for the environment, John F. Seiberling has demonstrated a profound commitment to America's natural treasures. Championing numerous bills during his 17 years in Congress, including the Alaska Lands Act, John Seiberling safeguarded millions of acres of parks, forests, wildlife refuges, and wilderness areas." And, in recognition of John Seiberling's work as a member of the Judiciary Committee, President Clinton went on to say that "working in a spirit of bipartisanship, he also promoted civil rights and worker rights, always striving to improve the quality of life in America."

Truer words were never spoken of any Member of Congress—and, once again, the Beacon Journal got it right when its editors wrote "John Seiberling led an admirable life. He might have been content to become the fine attorney and avid amateur photographer that he was. Instead, he jumped into the political fray and in doing so, provided an example of what it means to pursue the highest standards of public life. That is something very much worth remembering and preserving."

John Seiberling's example is one we should all remember and try to emulate.

Here is the complete text of the Beacon Journal editorial, from the paper's August 5th edition:

THE SEIBERLING LEGACY.—START WITH THE CUYAHOGA VALLEY NATIONAL PARK, AND THEN CONSIDER THE REMARKABLE POLITICAL SKILLS THAT BROUGHT THE DREAM TO REALITY

John F. Seiberling often explained that in preserving land, we preserve something of ourselves. One generation sends an enduring message to its successors about what it holds dear. Who has forgotten the wisdom of Theodore Roosevelt and others advancing the cause of national parks? In that same way, Mr. Seiberling long will be remembered, following his death over the weekend at age 89, for his vision in seeking to preserve 33,000 acres in Northeast Ohio, a vast urban parkland between Akron and Cleveland, and then having the political skills to turn the dream into reality.

That achievement revealed so much about his public service. In this election season, candidates spend many hours touting their virtues, why their presence at the Statehouse or on Capitol Hill is necessary. Rare is the lawmaker who enhances the quality of community life to the degree of Mr. Seiberling. He was a once-in-a-generation leader.

Look at the Cuyahoga Valley National Park today, three decades after its creation, millions of people each year hiking and riding its pathways, enjoying its meadows, its wetlands and banks of trees, their colors radiant in the fall. Practically all of us boast about the park to friends and family elsewhere, and when they come to visit, they marvel, too.

The park isn't the Grand Canyon or Yellowstone, obviously. Mr. Seiberling knew the Big Country. One of his proudest accomplishments representing the Akron area in the U.S. House for 16 years was his essential role in preserving 54 million acres of wilderness in Alaska. The Cuyahoga Valley park represented an innovation in the concept. Why not do the same in the industrial heartland of the country?

Almost anyone who spent time with Mr. Seiberling soon encountered his intelligence and wit. What his legislative colleagues and others appreciated was his modesty and civility. He listened to opposing views. Perhaps that stemmed from his own story, the scion of the family that founded Goodyear becoming a liberal Democrat. His calm, informed and reasoned approach proved most effective in aiding his causes. It meant that when he got his back up (say, his snapping ''Who the hell are you?'' at James Goldsmith, the corporate pirate seeking to consume Goodyear), his passion proved all the more persuasive.

Most telling, Mr. Seiberling knew who he was, and didn't pretend otherwise. Even as he cut a national profile conserving public lands, he understood his leading role involved representing the city and its surroundings. He brought federal backing to the Akron-Canton airport, the Goodyear Technical Center and other projects critical to the community. He didn't duck confrontations. He felt comfortable in his own skin, and at ease in the face of opposition.

John Seiberling led an admirable life. He might have been content to become the fine attorney and avid amateur photographer that he was. Instead, he jumped into the political fray and in doing so, provided an example of what it means to pursue the highest standards of public life. That is something very much worth remembering and preserving.

CONGRATULATIONS TO UNION TOWNSHIP ON THEIR 200TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the U.S. House of Representatives to join me as I rise to congratulate Union Township, New Jersey, on the celebration of its 200th anniversary.

Union Township plays an integral part in Union County and the 10th Congressional District of New Jersey.

Prior to the establishment of Union Township, that region known as Elizabethtown played a fundamental role in the American Revolution. It was the site of the Battle of Connecticut Farms where the British tried to force their way to Hobart Gap but were denied by the strong and resilient spirit of the Continental Forces. This spirit of determination is a testament to the solid foundation on which Union Township rests.

On the 23d day of November in 1808, the State Legislature of New Jersey designated that Connecticut Farms would be separated from Elizabethtown. This new municipality was to be called Union Township.

Since its inception Union Township has been a cultural hub attracting people from all cultures and backgrounds.

Today, the township is comprised of over 50,000 residents and 27 houses of worship. Every year, Union Township holds several parades where people from different cultures can celebrate their heritage through various parades and festivals. The Township will celebrate the occasion with a parade on October 12, 2008.

Union Township is an intermingling of Colonial American history and contemporary suburban living. In 1976 Union Township achieved the honored designation of being named an All-American City. Just this year, Union Township was. chosen by CNN as one of the top 100 places to live in the country.

Union Township again stands out on the national stage because it is home to the world's tallest water sphere. Residents are also proud of their outstanding higher education institution, Kean University, as well as their excellent elementary and secondary school systems.

Madam Speaker, I know my colleagues agree that Union Township and its residents have every right to be proud of the lasting contributions Union Township has made to the State of New Jersey and to the United States of America. I am pleased to congratulate Union Township on its first 200 years and proud to have a significant part of the township in the 10th Congressional District.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 16, 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 13,021 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive

any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

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 13,021 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 16, 2008, 13,021 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.

Daily Digest

HIGHLIGHTS

The House passed H.R. 6899—Comprehensive American Energy Security and Consumer Protection Act

Senate

Chamber Action

Routine Proceedings, pages S8809–S8896

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 3491–3502, S. Res. 662, and S. Con. Res. 99. **Pages S8855–56**

Measures Reported:

S. 3168, to authorize United States participation in the replenishment of resources of the International Development Association. (S. Rept. No. 110–464)

S. 2321, to amend the E–Government Act of 2002 (Public Law 107–347) to reauthorize appropriations, with an amendment. (S. Rept. No. 110–465)

S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security. (S. Rept. No. 110–466)

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, with an amendment in the nature of a substitute. (S. Rept. No. 110–467)

H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, with an amendment in the nature of a substitute.

H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects.

H.R. 236, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

H.R. 813, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, with an amendment in the nature of a substitute.

H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, with an amendment.

H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, with an amendment.

H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, with an amendment in the nature of a substitute.

H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, with an amendment in the nature of a substitute.

H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority.

H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.

H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, with an amendment in the nature of a substitute.

H.R. 3022, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, with an amendment.

H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District.

H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, with an amendment in the nature of a substitute.

H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, with amendments.

H.R. 3682, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, with amendments.

H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.

S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, with an amendment in the nature of a substitute.

S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, with an amendment in the nature of a substitute.

S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, with an amendment in the nature of a substitute.

S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, with an amendment in the nature of a substitute.

S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, with an amendment in the nature of a substitute.

S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute.

S. 2156, to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, with an amendment in the nature of a substitute.

S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, with an amendment.

S. 2354, to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho, with amendments.

S. 2359, to establish the St. Augustine 450th Commemoration Commission, with an amendment in the nature of a substitute.

S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections.

S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, with amendments.

S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide

grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, with an amendment in the nature of a substitute.

S. 2842, to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, with an amendment in the nature of a substitute.

S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, with an amendment in the nature of a substitute.

S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, with amendments.

S. 2974, to provide for the construction of the Arkansas Valley Conduit in the State of Colorado, with an amendment in the nature of a substitute.

S. 3010, to reauthorize the Route 66 Corridor Preservation Program.

S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, with an amendment in the nature of a substitute.

S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, with an amendment in the nature of a substitute.

S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, with an amendment in the nature of a substitute.

S. 3051, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, with an amendment in the nature of a substitute.

S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area, with an amendment in the nature of a substitute.

S. 3069, to designate certain land as wilderness in the State of California, with an amendment in the nature of a substitute.

S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, with an amendment in the nature of a substitute.

S. 3088, to designate certain land in the State of Oregon as wilderness, with an amendment in the nature of a substitute.

S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, with an amendment in the nature of a substitute.

S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, with an amendment.

S. 3179, to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, with an amendment.

S. 3189, to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, with an amendment in the nature of a substitute.

S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park'', with an amendment.

S. 3499, to protect innocent Americans from violent crime in national parks. **Pages S8853–54**

Measures Passed:

Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act: Committee on Rules and Administration was discharged from further consideration of H.R. 5893, to reauthorize the sound recording and film preservation programs of the Library of Congress, and the bill was then passed, clearing the measure for the President. **Page S8875**

District of Columbia Courts: Senate passed H.R. 5551, to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, clearing the measure for the President. **Page S8875**

Veterans' Benefits Improvement Act: Senate passed S. 3023, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8875–89**

Levin (for Akaka) Amendment No. 5614, to strike section 311, relating to relief for students who discontinue education because of military service, and to provide a temporary increase in the number of authorized judges of the United States Court of Appeals for Veterans Claims. **Page S8883**

Republic of Latvia Independence 90th Anniversary: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 87, congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence, and the resolution was then agreed to. **Pages S8889–90**

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, taking action on the following amendments proposed thereto:

Pages S8814–21, S8821–37

Pending:

Reid Amendment No. 5290, to change the enactment date. **Page S8814**

Reid Amendment No. 5291 (to Amendment No. 5290), of a perfecting nature. **Page S8814**

During consideration of this measure today, Senate also took the following action:

By 61 yeas to 32 nays (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S8826**

Subsequently, the motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid Amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date, fell when the motion to invoke cloture on the bill was agreed to. **Pages S8814, S8826**

Reid Amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature, fell when Reid Amendment No. 5292 fell. **Pages S8814, S8826**

Reid Amendment No. 5294 (to Amendment No. 5293), of a perfecting nature, fell when Reid Amendment No. 5292 fell. **Pages S8814, S8826**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, September 17, 2008, and that all time in adjournment, recess, and morning business count post-cloture. **Page S8890**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that Senator Harkin be authorized to sign the duly enrolled copy of S. 3406, to restore the intent and protections of the Americans with Disabilities Act of 1990. **Page S8890**

Executive Reports of Committees:

By Mr. Biden, from the Committee on Foreign Relations:

Treaty Doc. 110–6: Amendment to Convention on Physical Protection of Nuclear Material with 1 reservation, 3 understandings, and 1 declaration (Ex. Rept. 110–24);

Treaty Doc. 110–8: Protocols of 2005 to the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf with reservations, understandings, and declarations (Ex. Rept. 110–25); and

Treaty Doc. 106–1(A): The Hague Convention with 4 understandings and 1 declaration (Ex. Rept. 110–26). **Pages S8854–55**

Nominations Received: Senate received the following nominations:

Bill Nelson, of Florida, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

Bob Corker, of Tennessee, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

Anthony H. Gioia, of New York, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

Karen Elliott House, of New Jersey, to be an Alternate Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

James W. Ceaser, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Alfred S. Irving, Jr., of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Routine lists in the Army, Coast Guard.

Pages S8890–96

Messages from the House: **Page S8852**

Measures Referred: **Page S8852**

Enrolled Bills Presented: **Page S8852**

Executive Reports of Committees: **Pages S8854–55**

Additional Cosponsors: **Pages S8856–58**

Statements on Introduced Bills/Resolutions: **Pages S8858–63**

Additional Statements: **Pages S8848–52**

Amendments Submitted: Pages S8863–75

Notices of Hearings/Meetings: Page S8875

Authorities for Committees To Meet: Page S8875

Privileges of the Floor: Page S8875

Record Votes: One record vote was taken today. (Total—200) Page S8826

Adjournment: Senate convened at 10 a.m. and adjourned at 6:51 p.m., until 9:30 a.m. on Wednesday, September 17, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8890.)

Committee Meetings

(Committees not listed did not meet)

BROADBAND DATA IMPROVEMENT ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine reasons that broadband Internet access matters, including S. 1492, to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, after receiving testimony from Margaret Conroy, Missouri State Librarian, Jefferson City, on behalf of the American Library Association; Rey Ramsey, One Economy Corporation, Larry Cohen, Communications Workers of America, Jonathan Linkous, American Telemedicine Association, and Mara Mayor, AARP, all of Washington, D.C.; and Gene Peltola, Yukon-Kuskokwim Health Corporation, Bethel, Alaska.

ELECTRIC POWER

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the current state of vehicles powered by the electric grid and the prospects for wider deployment in the near future, after receiving testimony from Brian P. Wynne, Electric Drive Transportation Association, and Robert Wimmer, Toyota Motor North America, both of Washington, D.C.; Ed Kjaer, Southern California Edison Company, Rosemead; Joseph T. Dalum, DUECO, Waukesha, Wisconsin; and Thad Balkman, Phoenix Motorcars, Ontario, California.

ENERGY MARKETS

Committee on Energy and Natural Resources: Subcommittee on Energy concluded a hearing to examine recent analyses of the role of speculative investment in energy markets, after receiving testimony from Jeffrey Harris, Chief Economist, Commodity Futures Trading Commission; Michael W. Masters, Masters Capital Management, LLC, Saint Croix, U.S. Virgin Islands; Robert F. McCullough, Jr., McCullough Research, Portland, Oregon; and Lawrence Eagles, JPMorgan Chase and Company, on behalf of the Securities Industry and Financial Markets Association (SIFMA), James Newsome, CME Group, and Fadel Gheit, Oppenheimer and Company, Inc., all of New York, New York.

CHILDREN'S HEALTH PROTECTION

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the children's health protection efforts of the Environmental Protection Agency (EPA), after receiving testimony from George Gray, Assistant Administrator for Research and Development, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Leonardo Trasande, Mount Sinai School of Medicine Children's Environmental Health Center, New York, New York; Susan West Marmagas, Commonweal, Bolinas, California; and Robert L. Brent, A.I. duPont Hospital for Children, Wilmington, Delaware.

DELIVERY SYSTEM REFORM

Committee on Finance: Committee concluded a hearing to examine aligning incentives, focusing on the case for health care delivery system reform, after receiving testimony from Mark E. Miller, Executive Director, Medicare Payment Advisory Commission; Glenn D. Steele, Jr., Geisinger Health System, Danville, Pennsylvania; Robert A. Berenson, Urban Institute, Washington, D.C.; and Eric G. Campbell, Massachusetts General Hospital, Boston.

RULE OF LAW

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine restoring the rule of law, after receiving testimony from former Representative Mickey Edwards, Constitution Project, Charles J. Cooper, Cooper and Kirk, PLCC, Elisa Massimino, Human Rights First, Patrick F. Philbin, Kirkland and Ellis LLP, John D. Podesta, Center for American Progress Action Fund, and Suzanne E. Spaulding, Bingham Consulting Group, all of Washington, D.C.; Harold Hongju Koh, Yale Law School, New Haven, Connecticut; Frederick A.O. Schwarz, Jr., New York University School of Law Brennan Center for Justice, New York, New York; Robert Turner, University of Virginia School of Law Center for National Security Law, Charlottesville; Walter Dellinger, former Solicitor General of the United States, Department of Justice, Duke University School of Law, Chapel Hill, North Carolina; and Kyndra Rotunda, Chapman University School of Law, Orange, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 6908–6917; and 10 resolutions, H. Con. Res. 415–417; and H. Res. 1440, 1442–1447, were introduced. **Pages H8275–76**

Additional Cosponsors: **Pages H8276–77**

Reports Filed: Reports were filed today as follows:

H. Res. 1441, providing for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education (H. Rept. 110–854);

H.R. 6323, to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, with an amendment (H. Rept. 110–855);

H. Res. 1376, commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life, with amendments (H. Rept. 110–856);

H.R. 5244, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, with an amendment (H. Rept. 110–857); and

Misleading Information from the Battlefield: The Tillman and Lynch Episodes (H. Rept. 110–858). **Pages H8274–75**

Speaker: Read a letter from the Speaker wherein she appointed Representative Solis to act as Speaker pro tempore for today. **Page H8131**

Recess: The House recessed at 9:44 a.m. and reconvened at 10 a.m. **Page H8136**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H8136, H8257**

Private Calendar: On the call of the Private Calendar, the House passed H.R. 1485, for the relief of Esther Karinge; H.R. 2760, for the relief of Shigeru Yamada; H.R. 5030, for the relief of Corina de Chalup Turcinovic; H.R. 5243, for the relief of Kumi Iizuka-Barcena; and passed over without prejudice H.R. 2575, for the relief of Mikael Adrian Christopher Figueroa Alvarez. **Pages H8137–38**

Motion To Adjourn: Rejected the Pence motion to adjourn by a yea-and-nay vote of 11 yeas to 393 nays, Roll No. 592. **Pages H8151–52**

Motion To Adjourn: Rejected the Price (GA) motion to adjourn by a recorded vote of 9 ayes to 386 noes, Roll No. 594. **Page H8157**

Comprehensive American Energy Security and Consumer Protection Act: The House passed H.R. 6899, to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, by a recorded vote of 236 ayes to 189 noes, Roll No. 599. **Pages H8180–H8256**

Rejected the Peterson (PA) motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 191 ayes to 226 noes, Roll No. 598. **Pages H8250–56**

H. Res. 1433, 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. 596, after agreeing to order the previous question by a yea-and-nay vote of 238 yeas to 185 nays, Roll No. 595. **Pages H8152–57, H8157–68, H8178–79**

A point of order was raised against the consideration of H. Res. 1433 and it was agreed by a yea-and-nay vote of 230 yeas to 180 nays, Roll No. 593, to proceed with consideration of the resolution. **Pages H8152–57**

National Capital Security and Safety Act: The House began consideration of H.R. 6842, to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism. Further proceedings were postponed. **Pages H8257–72**

Pursuant to the rule, the amendment recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole and the bill, as amended, shall

be considered as the original bill for the purpose of further amendment under the five-minute rule.

Page H8265

Proceedings Postponed:

Childers amendment in the nature of a substitute (printed in H. Rept. 110–852) that seeks to strike all after the enacting clause and insert a complete new text entitled "Second Amendment Enforcement Act". **Pages H8266–72**

H. Res. 1434, the rule providing for consideration of the bill, was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 241 yeas to 183 nays, Roll No. 597.

Pages H8168–78, H8179–80

Senate Message: Message received from the Senate today appears on page H8136.

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H8151–52, H8156–57, H8157, H8178–79, H8179, H8180, H8255–56, and H8256. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:30 a.m. on Wednesday, September 17th.

Committee Meetings

U.S. FOREIGN STRATEGY

Committee on Armed Services: Held a hearing on Considerations for an American Grand Strategy. Testimony was heard from Madeleine Albright, former Secretary of State.

DEFEATING THE IMPROVISED EXPLOSIVE DEVICE

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Defeating the Improvised Explosive and Other Asymmetric Threats: Today's efforts and Tomorrow's Requirements. Testimony was heard from the following officials of the Department of Defense: LTG Thomas F. Metz, USA, Director, Joint Improvised Device Defeat Organization; William Beasley, Joint Rapid Acquisition, Cell, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics); Tom Matthews, Director, Warfighter Requirements and Evaluation, Office of the Under Secretary (Intelligence); MG Jason K. Kamiya, USA, Director Joint Training Directorate (J7); U.S. Joint Training Directorate, U.S. Joint Forces Command; and Bradley Berkson, Director, Programs, Analysis and Evaluation, Office of the Secretary.

BUDGET SURPLUS

Committee on the Budget: Hearing on Iraq's Budget Surplus. Testimony was heard from Joseph A. Christoff, Director, International Affairs and Trade, GAO; Christopher M. Blanchard, Analyst in Middle Eastern Affairs, CRS, Library of Congress; and public witnesses.

CALLING CARD CONSUMER PROTECTION ACT; TRAVEL PROMOTION

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee the following bills: H.R. 3232, amended; Travel Promotion Act 2007; and H.R. 3402, Calling Card Consumer Protection Act.

The Subcommittee also held a hearing on H.R. 3402, Calling Card Consumer Protection Act. Testimony was heard from William E. Kovacic, Chairman, FTC; and public witnesses.

DEFEATING IMPROVISED EXPLOSIVE DEVICE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on Defeating the Improvised Explosive Device (IED) and Other Asymmetric Threats: Today's Efforts and Tomorrow's Requirements.

STATUS OF DTV TRANSITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet, hearing entitled "Status of the DTV Transition: 154 Days and Counting," Testimony was heard from Kevin J. Martin, Chairman, FCC; Meredith Baker, Acting Assistant Secretary, Communications, Department of Commerce; Mark L. Goldstein, Director, Physical Infrastructure Issues; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Began consideration of the following bills: H.R. 6694, FHA Seller-Financed Downpayment Reform and Risk-Based Pricing Authorization Act of 2008; H.R. 6890, Payments System Protection Act of 2008; H.R. 3019, Expand and Preserve Home Ownership Through Counseling Act; H.R. 6642, National Consumer Cooperative Bank Act Amendments of 2008; and H.R. 6871, Expedited Funds Availability Dollar Limits Adjustment Act of 2008.

HUD'S PROPOSED RESPA RULE

Committee on Financial Services: Subcommittee on Oversight and Investigation held a hearing entitled: "HUD's Proposed RESPA Rule." Testimony was heard from public witnesses.

DEFEATING AL QAEDA'S AIR FORCE

Committee on Foreign Affairs: Subcommittee on the Middle East and South held a hearing on Defeating al Qaeda's Air Force: Pakistan's F–16 Program in the Fight Against Terrorism. Testimony was heard from the following officials of the Department of Defense: VADM Jeffrey A. Wieringa, Director, Defense Security Cooperation Agency; Mitchell Shivers; MG Burton M. Field, Vice Director, Strategic Plans and Policy, Joint Staff; the following officials of the Department of State: Donald Camp, Deputy Assistant Secretary, Bureau of South and Central Agency, and Frank Ruggiero, Deputy Assistant Secretary, Bureau of Political-Military Affairs.

FOREIGN ASSISTANCE IN THE AMERICAS

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on Foreign Assistance in the Americas. Testimony was heard from Senator Menendez; Mark Schneider, former Director, Peace Corps; and public witnesses.

CYBERSECURITY RECOMMENDATIONS

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "Cybersecurity Recommendations for the Next Administration." Testimony was heard from David Powner, Director, Information Management Issues, GAO; and public witnesses.

INTEROPERABILITY IN THE NEXT ADMINISTRATION

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response held a hearing entitled "Interoperability in the Next Administration: Assessing the Derailed 700 MHz D-block Public Safety Spectrum Auction." Testimony was heard from Chief Derek Poarch, Public Safety, Homeland Security Bureau, FCC; the following officials of the Department of Homeland Security: Chris Essid, Director, Office of Emergency Communications; and David Boyd, Director, Command, Control, and Interoperability Division; Deputy Chief Charles Dowd, City of New York Police Department; and public witnesses.

OVERSIGHT—FBI

Committee on the Judiciary: Held an oversight hearing on the Federal Bureau of Investigation. Testimony was heard from public witnesses.

COMPENSATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law, hearing on Compensation. Testimony was heard from Margaret Dee McGarity, U.S. Bankruptcy Court, Eastern District of Wisconsin; and public witnesses.

ILLEGAL WILDLIFE TRADE

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on the impacts that U.S. consumer demand is having on the illegal and unsustainable trade of wildlife products and ongoing and proposed efforts to increase public awareness about these impacts. Testimony was heard from Benito A. Perez, Chief, Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

NATIONAL FOREST SYSTEM WORKERS SAFETY

Committee on National Resources: Subcommittee on National Parks, Forest and Public Lands held an oversight hearing on the Pineros: Reviewing the Welfare of Workers on Federal Lands. Testimony was heard from Hank Kashton, Deputy Chief, Business Operations, Forest Service, USDA; Alex Passantino, Acting Administrator, Wage and Hour Division, Department of Labor; and public witnesses.

DOMESTIC HIV PROTECTION

Committee on Oversight and Government Reform: Held a hearing on the Domestic Epidemic Is Worse Than We Thought: A Wake-Call for HIV Prevention. Testimony was heard from the following officials of the Department of Health and Human Services: Julie Gerberding, M.D., Director, Centers for Disease Control and Prevention; and Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases, NIH; and public witnesses.

DC WORKERS JUSTICE EQUITY; LEGISLATIVE BRANCH WORKFORCE DIVERSITY

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia began consideration of H.R. 5600, District of Columbia Court, Offender Supervision, Parole, and Public Defender Employees Equity Act of 2008.

The Subcommittee also held a hearing on Legislative Branch Diversity Management Review. Testimony was heard from Carol Bates, Inspector General, Architect of the Capitol; Carl W. Hoecker, Capitol Police, Francis Garcia, Inspector General, GAO; J. Anthony Ogden, Inspector General, GPO; Karl W. Schornagel, Inspector General, Library of Congress; and public witnesses.

NO CHILD LEFT INSIDE ACT

Committee on Rules: Granted, by a record vote of 5–3, a structured rule providing for consideration of H.R.

3036, the "No Child Left Inside Act of 2008." The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that 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 and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

DHL AND UPS ARRANGEMENT

Committee on Transportation and Infrastructure: Held a hearing on the Effects of Proposed Arrangement Between DHL and UPS on Competition, Customer Service, and Employment. Testimony was heard from Senator Brown; Representative Turner; Lee Fisher, Lt. Gov., State of Ohio and Director of Ohio Department of Development; David L, Raizk, Mayor, Wilmington, Ohio; and public witnesses.

OIL SPILL IN NEW ORLEANS—SAFETY ON THE ORLEANS RIVER SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Oil Spill in New Orleans in July 2008 and Safety on the Inland River System. Testimony was heard from RADM James Watson, IV, USCG, Director of Prevention Policy for Marine Safety Security and Stewardship, Department of Homeland Security; David Westerholm, Director, Office of Response and Restoration, NOAA, Department of Commerce; and public witnesses.

VA SUICIDE HOTLINE

Committee on Veterans' Affairs: Subcommittee on Health hearing on VA Suicide Hotline. Testimony was heard from A. Katherine Power, Director, Center for Medical Health Services, Substances and Mental Health Service Administration, Department of Health and Human Services; Janet E. Kemp, R.N., VA National Suicide Prevention Coordinator, Department of Veterans Affairs; and public witnesses.

DISABILITY BACKLOG

Committee on Ways and Means: Subcommittee on Social Security hearing on Clearing the Disability Backlog. Testimony was from the following officials of the SSA: Frank Cristaudo, Chief Administrative Law Judge; and Patrick O'Connell, Inspector General; and public witnesses.

BUSINESS MEETING

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to discuss a Subcommittee report.

Joint Meetings

BELARUS

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine the state of democracy and human rights in Belarus and ways the Belarusian authorities are complying with their Organization for Security and Cooperation in Europe (OSCE) election commitments in advance of the September 28 parliamentary elections, after receiving testimony from David J. Kramer, Assistant Secretary of State for Democracy, Human Rights and Labor; and Stephen B. Nix, International Republican Institute, Laura Jewett, National Democratic Institute for International Affairs, and Rodger Potocki, National Endowment for Democracy, all of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1041)*

H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance. Signed on September 15, 2008. (Public Law 110–318)

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 17, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine pending Corporation for Public Broadcasting nominations, 10:30 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine S. 1387, to amend the Emergency Planning and Community Right-to-Know Act of 1986 to provide for greenhouse gases, S. 2080, to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, H.R. 1464, to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, H.R. 1771, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, H.R. 3224, to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams, H.R. 3999 and S. 3338, bills to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, H.R. 5001, to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, S. 2970, to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, S. 1828, to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline, and other pending legislation, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine Russia's aggression against Georgia, focusing on the consequences and responses, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine 401(k) plan fee disclosure, focusing on helping workers save for retirement, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 3474, to amend title 44, United States Code, to enhance information security of the Federal Government, S. 3384, to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects, H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, H.R. 6098, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, H.R. 3815, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, S. 3176, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services, an original bill to establish a controlled unclassified information framework, H.R. 6073, to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically, to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth, S. 3350, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances, S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, H.R. 5975 and S. 3317, bills to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office", H.R. 6092, to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the "Sergeant Paul Saylor Post Office Building", S. 3309, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William "Bill" Sandberg Post Office Building, 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", and the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission, and Carol Waller Pope, of the District of Columbia, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority, 10 a.m., SD–342.

Committee on the Judiciary: to hold oversight hearings to examine the Federal Bureau of Investigation, 9:30 a.m., SH–216.

Committee on Veterans' Affairs: to hold hearings to examine the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs, 9:30 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine direct-to-consumer medical device advertising, focusing on marketing and medicine, 10:30 a.m., SD–562.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food Safety—FDA, 2 p.m., 2362A Rayburn.

Subcommittee on Financial Services and General Government, on Public, Educational, and Governmental (PEG) Access to Cable Television, 10 a.m., 2220 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Protections, hearing on the Secret Rule of the Department of Labor's Worker Health Risk Assessment Proposal, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to consider the following bills: H.R. 6469, Organ Transplant Authorization; S. 1760 Healthy Start Reauthorization Act of 2007; H.R. 1532, Comprehensive Tuberculosis Elimination Act of 2007; H.R. 2994, National Pain Care Policy Act of 2007; H.R. 5265, Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008; the Meth Free Families and Communities Act; H.R. 1014, Heart Disease Education, Analysis Research, and Treatment for Women Act; H.R. 6353, To amend, title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; H. R. 1076, HIPPA Recreational Injury Technical Correction Act; and H.R. 758, Breast Cancer Patient Protection Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Implementation of the Hope for Homeowners Program and a Review of Foreclosure Mitigation Efforts,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia, the Pacific and the Global Environment, hearing on Exporting Toxic Trash: Are We Dumping Our Electronic Waste on Poorer Countries?, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border Maritime and Global Counterterrorism, hearing entitled ''Transportation Worker Identification Credential: A Status Update,'' 10 a.m., 311 Cannon.

Subcommittee on Management, Investigations and Oversight, hearing entitled ''Waste, Abuse and Mismanagement: Calculating the Cost of DHS Failed Contracts,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 6598, Prevention of Equine Cruelty Act of 2008; H.R. 6020, To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; H.R. 5882, To recapture employment-based visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; H.R. 5924, Emergency Nursing Supply Relief Act; and H.R. 5950, Detainee Basic Medical Care Act of 2008, and a resolution and report recommending to the House of Representatives that the Attorney General Michael B. Mukasey be cited for contempt of Congress, 10:15, a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census and National Archives, hearing on Implementation of the Office of Government Information Services, 2 p.m., 2154 Rayburn.

Committee on Small Business, Subcommittee on Finance and Tax, hearing entitled ''Disaster Savings Accounts: Protections for Small Businesses During a Disaster,'' 2 p.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on FAA Aircraft Certification: Alleged Regulatory Lapses in the Certification and Manufacture of the Eclipse EA–500, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management, executive, on Security Clearance proceedings, 10 a.m., H–405 Capitol, and a hearing on the Administration progress toward reform of the security clearance process, as set forth by the Intelligence Reform and Terrorism Prevention Act of 2004, 2 p.m., 2253 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the role of Organization for Security and Cooperation in Europe (OSCE) institutions in advancing human rights and democracy, 3 p.m., 2325 Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 17

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of S. 3001, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 17

House Chamber

Program for Wednesday: Complete consideration of H.R. 6842—National Capital Security and Safety Act. Consideration of H.R. 3036—No Child Left Inside Act of 2008 (Subject to a Rule).

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