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House of Representatives

The House met at 10 a.m.

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

All-Holy and All-Knowing God, as creation reveals Your desire for wholeness and coordinated unity between all creatures and the human family, so images of Your redeemed people give hope that hatred and prejudice of any sort diminish as true justice and peace break forth within the fabric of society and daily commerce.

Before You, Lord God, all human life is life in community.

Human wisdom confirms that each of us as a person is made for friendship, community and participation in public life. So, now bind this Nation as one. Let us stand together in compassion and the discipline of law as representative government addresses the needs of our time and searches out the path toward true human fulfillment and national security.

Your love upholds all and therefore calls each one of us to be more concerned for one another, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

BAILING OUT WALL STREET

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

Mr. DEFAZIO. The problem with what Congress is trying to fix is that Paulson's premise is wrong, that if we take and dump $700 billion into Wall Street, buying up their bad assets, somehow the benefits will trickle down to Main Street and prop up our struggling housing market. As Mr. Isaac, the former head of the FDIC says, ''Having financial institutions sell the loans to the government at inflated prices so the government can turn around and sell the loans to well-healed investors at lower prices strikes me as a very good deal for everyone but U.S. taxpayers. Surely we can do better.'' He proposes a credible alternative, similar to something done during the savings and loan crisis.

There are many cheaper alternatives out there that don't put taxpayers on the hook. But if we are going to go ahead with the Paulson premise, then it should be paid for by Wall Street with a modest one-quarter of 1 percent transfer tax on securities, something we had from 1914 until 1966. The Brits apply a one-half of 1 percent tax, and they use that money just to fund their government. Here we would use it to help Wall Street heal itself.

Some are saying, well, the initial payment is only going to be $250 billion now. $250 billion would double our investment in infrastructure in the United States for 5 years.

PREDICTABLE AND AVOIDABLE

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

Mr. WILSON of South Carolina. Mr. Speaker, as we debate the beginning of the financial crisis, it is important to cite a New York Times article published on September 30, 1999, which highlights the dangers of Fannie Mae easing credit requirements for loans it plans to purchase.

According to the author, the decision by Fannie Mae was meant to ''spur banks to make more loans to people with less than stellar credit ratings,'' and he forecasts that ''Fannie Mae is taking on significantly more risk.'' They ''may run into trouble during an economic downturn, prompting a government rescue similar to that of the savings and loan industry in the 1980s.''

These views were shared by Peter Wallison of the American Enterprise Institute, who remarked that ''the government will have to step up and bail them out.'' These are voices from the past predicting the problem we face today.

Indeed, it was not the failings of the free market, but the failure of those participating in the markets, as well as government mishandling, that has led to this current dilemma.

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

INDUSTRIAL CAPITALISM BEING DESTROYED

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

Mr. KUCINICH. Mr. Speaker, industrial capitalism can finally be destroyed as we finish hollowing out our economy by substituting casino socialism, where the only real product is debt, where hard work in shaping raw materials into a product for a profit becomes ''so yesterday'' and we lead

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Americans to the gaming tables. Work becomes denigrated and wagering becomes the road to wealth.

As Steve Zarlenga of the American Monetary Institute observed, ''You only have to make a fortune once.'' The top hedge manager in 2006 made $1.7 billion, and in 2007 some $3.7 billion. Both paid a lower tax rate for much of their earnings than people who clean the bedpans of the sick. And, of course, with that nasty ''death tax'' under attack by working families because almost 5 out of every 1,000 Americans pay it, that wealth can go on forever, just like the landed families of England and America maintain their economic status for hundreds of years.

Precious money needed to bring national health care, reindustrialization of America, the repair of our infrastructure and wider available of quality education becomes secondary to keeping this artificial real estate bubble going. Speculators are winning, and this is the system we are saving.

MEDIA BIAS IS A GREAT THREAT

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

Mr. SMITH of Texas. Mr. Speaker, whether it is a financial crisis or Presidential debate, the media just can't seem to help themselves. They always show a bias against Republicans. That is no surprise, since they make contributions to Senator OBAMA over Senator MCCAIN by a 20–1 ratio.

The greatest threat our country faces is not an economic recession; it is a partisan bias. The media should give the American people the facts, not tell them what to think. Otherwise, we will lose our democracy, which is a greater danger than the economy.

The media is hurting its credibility for the future. They should instead adhere to the highest standards of journalism and report the news fairly and objectively.

SUPPORT THE NATIVE AMERICAN HERITAGE ACT OF 2008

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

Mr. BACA. Mr. Speaker, I support H. J. Res. 62, the Native American Heritage Day Act of 2008, which I authored. This bill will help pay tribute to Native Americans for their many contributions to the United States by encouraging all Americans to recognize the Friday after Thanksgiving as Native American Heritage Day.

I thank Senator DANIEL INOUYE, Speaker NANCY PELOSI, Majority Leader STENY HOYER, Chairman GEORGE MILLER, Representative DALE KILDEE, and the NIGA for their help on this bill.

I have been a strong advocate for Native Americans and have fought hard to preserve their heritage for the past 8 years that I have served in Congress and since my time in the California legislature.

It is important that we recognize the contributions of Native Americans in all aspects of our society, including government, language and history. We must not forget that Native Americans have fought with valor in every American war, dating back to the Revolutionary War.

My bill encourages public schools to teach Native American history and culture.

I also want to thank Tribal Chairman James Ramos of the San Manuel Tribe for helping us create this bill. This bill represents the first time in history that Congress is recognizing the great achievements of Native Americans in this manner.

I thank my colleagues for supporting this legislation.

CONGRESS MUST KEEP TAXPAYER FIRST WHEN ASSISTING WALL STREET

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

Mrs. BLACKBURN. Mr. Speaker, it is becoming painfully clear to us and now we know that Americans should not be forced to endure a prolonged and painful economic downturn to pay for the sins of Fannie, Freddie or discredited Wall Street executives. The question that is being asked by many of our constituents is, all right, now what are we going to do?

So let me be clear. I do not support a bailout of Wall Street firms funded by hundreds of billions of taxpayers dollars. There are smarter ways for us to handle this.

The President and congressional leaders should set a timeline for legislation, come to mark it up, and look at things from both the short and the long-term. We have learned that the ad hoc approach to bailing out companies in the past few weeks just has not worked. What we need is a workout plan that leverages Wall Street's assets and ingenuity to bring the economy back to health while protecting the American taxpayer.

Any deal that comes forward should limit the cash available to Secretary Paulson. We cannot write one man, no matter how experienced or smart, a check for $700 billion of the taxpayers' money.

Mr. Speaker, I hope that we continue to work forward on this and keep the American taxpayer first and foremost in our thoughts.

LETTING THE FOX GUARD THE HEN HOUSE

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

Mr. PERLMUTTER. Mr. Speaker, the Bush administration with its neocon philosophy either cut back, opposed, ignored or choked off restraints on the markets, especially those of Wall Street, while borrowing billions of dollars from China and Saudi Arabia to finance tax cuts for the wealthiest of Americans and while prosecuting the war in Iraq.

The borrow-and-spend approach and the party atmosphere cannot go on forever, and the bailouts, takeovers and bankruptcies of the recent weeks demonstrate that the party is over.

Bush's Treasury Secretary, Henry Paulson, is asking Congress for hundreds of billions of dollars to compensate for market excesses and wants the money within a week or two to restore confidence to the financial markets. I will listen to Mr. Paulson and his plea on behalf of the Bush administration about this immediate infusion of cash and the purchase of billions and billions of dollars in bad loans to take the burden of this bad debt out of the markets, but I must say I have my doubts about the foxes guarding the hen house or giving the Bush administration any more authority over anything. Thank goodness we did not privatize Social Security.

MINORITIES NOT RESPONSIBLE FOR ECONOMIC WOES OF WALL STREET

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

Ms. HIRONO. Mr. Speaker, I am shocked that some in our community have implied that minorities are somehow responsible for the financial debacle our country is facing now.

Apparently, the argument is that minorities are getting loans through the Community Reinvestment Act on the basis of race, and often little else. I don't know what evidence there is for such a sentiment, but I do know that the vast majority of subprime market loans were financed by Wall Street, not by the commercial banks regulated under the Community Reinvestment Act.

Trying to shift the focus from the lack of oversight by this administration of our financial markets and the irresponsible behavior of so many brokerage firms by scapegoating minority families who are trying to realize the American Dream of homeownership is not only insensitive, but insulting.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 421

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 421.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1224) commending the Tennessee Valley Authority on its 75th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1224

Whereas May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;

Whereas the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;

Whereas the Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;

Whereas the Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

Whereas the Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;

Whereas the Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;

Whereas the Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;

Whereas as part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;

Whereas the Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring jobs to the Tennessee Valley region and keep them there; and

Whereas the Tennessee Valley Authority no longer receives appropriation to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Tennessee Valley Authority on its 75th anniversary;

(2) recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;

(3) honors the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1224.

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

There was no objection.

□ 1015

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

I will leave it to the gentleman from Tennessee to carry the major part of this legislation for which he is responsible, but I would just like to reflect on it for a moment.

I think it's very telling that we are here to celebrate the 75th anniversary of the Tennessee Valley Authority, something that was created by Congress and President Franklin Delano Roosevelt in the Great Depression. They had a little different philosophy back then.

It wasn't shower money on Wall Street and hope things get better for people on Main Street and around the country; it was invest in America, invest in our infrastructure, build dams, roads, bridges, WPA projects. My region is a tremendous beneficiary from something called the Bonneville Power Administration, a wonderful gift that is still paying dividends to the American people that was key in our World War II effort and was there for the aluminum plants and for our nuclear weapons development to end the war.

This is a different philosophy. Today, unfortunately, we seem to be going down the path that the way to fix the economic problems on Main Street in America is to shower money on Wall Street, buy up their bad investments and hope maybe someday taxpayers get their money back.

What if we took the $250 billion they are talking about as an initial down payment on this faulty plan and we doubled our investment in our roads, bridges, highways and transit in America? Would that put more people back to work? Would that instill more confidence in the American economy? Would that maybe even drive up the value of stocks on Wall Street? I think so.

I think it's incredibly appropriate that Mr. COHEN has brought this bill here to the floor today, and I thank him for doing that.

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

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I may consume.

The Tennessee Valley Authority, an independent government corporation, was established in 1933 to aid in the development of the Tennessee River Valley watershed through the proper use, conservation and development of the region's natural resources. TVA is the Nation's largest wholesale power producer and the fifth largest electric utility. TVA supplies power to nearly 8 million people over an 80,000-square-mile service area covering Tennessee and parts of Mississippi, Alabama, Georgia, North Carolina, Virginia and Kentucky.

In addition, TVA's nonpower program responsibilities include the multipurpose management of land and water resources throughout the Tennessee Valley and fostering economic development. Prior to 1959, construction of the power projects was financed mainly by congressional appropriations. The power program is now completely self-financed through power revenues.

During the TVA's first 20 years, most of the power generated was hydroelectric. By 1950, with increased power needs, TVA began building coal-fired electric plants, and those plants now account for about 75 percent of TVA's power generation. TVA provides more electricity than any other public utility in the Nation and has an unparalleled record of reliability.

In addition, TVA is broadening its environmental stewardship responsibilities by increasing its use of renewable resources, improving energy efficiency, and working to improve air quality for the millions who live in the Tennessee Valley watershed. TVA constructed nuclear plants to supply additional power needs and just recently returned an additional nuclear power unit in Alabama, Browns Ferry Unit 1, to service to meet expected future demand in energy.

The agency spent approximately $2 billion to recover the facility, which became fully operational by May 2007. The Nuclear Regulatory Commission has approved a 20-year license renewal for all three units at the Browns Ferry Nuclear Plant.

For 75 years, the TVA programs of navigation, flood damage reduction and power reduction have fostered economic development in an important region in the Nation.

I urge all of my Members to support the resolution celebrating the Tennessee Valley Authority's 75th anniversary.

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

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

Mr. Speaker, I rise today in support of House Resolution 1224, to commend the Tennessee Valley Authority on its 75th anniversary. My hometown of Memphis is the largest customer of the Tennessee Valley Authority. It supplies us with our energy.

The Tennessee Valley Authority over the years has had many, many great commissioners and has now a new form of administration. In the past, one of our predecessors from this House and the State of Tennessee, Bob Clement, served as a member of the board of directors of the TVA; and also a gentleman named Johnny Hayes, who passed away this past week, who was a great Tennessean and a great supporter of our previous Vice President Al Gore and a dear friend of mine.

The Tennessee Valley Authority was signed into law by Franklin Delano Roosevelt on May 18, 1933. At that time America was in the midst of a Great Depression, and the Tennessee Valley Authority was seen as a way to lift the country out of economic recession.

The establishment of TVA by the Federal Government was a sign of Congress' recognition of the importance of integrating regional and national resource management strategies and issues affecting multiple States. The TVA wove together Southeastern Conference members in a way that hasn't been done since other than the conference. More specifically, it was created to provide inland waterway navigation, flood control, affordable electricity and to bolster economic development in the Tennessee Valley region. TVA also helped farmers improve crop yields, replant forests and improve fish and wildlife habitation in the valley.

TVA's facilities now include 30 hydroelectric dams, 11 fossil fuel powered plants and three nuclear power plants. It is the Nation's largest public power company and provides reliable electricity to nearly 8.5 million customers in the Tennessee Valley. Near my home is Pickwick Dam, also a source of great opportunity for enjoyment and pleasures for people wanting to boat and enjoy outdoor life.

Today, TVA continues to support navigation along the Tennessee River, reduce the risk of flood damage to the surrounding area, and provide reliable electric power to its many customers. It does so while applying a unique problem-solving approach while fulfilling its mission of integrated resource management.

TVA has proven that it remains committed to fulfilling the needs of the region's businesses and citizens. This has been reflected in the development of hydroelectric facilities in the 1940s to support the war effort and the production of aluminum, to its present day development of renewable power sources.

I urge my colleagues in the House to join me in supporting this resolution and honor the Tennessee Valley Authority for helping to meet the needs of our country for the past 75 years.

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

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he might consume to my good friend, the gentleman from Tennessee (Mr. DUNCAN) who is the ranking member on the Highways and Transit Subcommittee of Transportation.

Mr. DUNCAN. I thank the gentleman from Arkansas for yielding me this time. I rise in support of this resolution congratulating the Tennessee Valley Authority on its 75th anniversary.

First, I want to commend my good friend the gentleman from Alabama (Mr. CRAMER) for bringing this resolution to the floor. He has served with great distinction as chairman of the TVA Caucus in the Congress.

Since the Congress passed the Tennessee Valley Authority Act of 1933, TVA has played an important role, not only in the Tennessee Valley but in the course of the history of this Nation as well. TVA carries out its three-pronged mission of providing reliable electric power, economic development, and stewardship of the Nation's fifth largest river system by tapping into the talents of its 12,000 employees, many of whom live in my district.

Right from the start, TVA tried to establish a problem-solving approach to fulfilling its mission of resource management for power production, navigation, flood control, malaria prevention, reforestation, or erosion control, and each was studied in its broadest context. TVA weighed each issue in relation to all the others.

Today the Tennessee Valley is one of the most beautiful and fertile places in the Nation. With its beauty, hardworking people and abundant natural resources, the Tennessee Valley would have developed in a good and prosperous way without TVA, as did other areas of the South where there was no TVA.

However, the establishment of the TVA led to the development of cutting-edge fertilizers and improved farming techniques and helped to revive the Tennessee Valley and forever changed its landscape. With the completion of dams, TVA brought electricity and flood control to the Tennessee Valley, providing stability and vital insect control programs that helped drastically reduce deaths caused by mosquitos and increase the quality of life.

By the end of the 1930s, the Tennessee Valley was probably the most thoroughly mapped region in the country. Before long, however, TVA was called upon to use this expertise to provide then-General Eisenhower with the most detailed topographic maps of German-occupied France and, later, Japan during World War II.

TVA played an important role in the Manhattan Project, the development of our first atomic bomb. At a time when the enrichment of uranium in Oak Ridge, Tennessee, consumed around 15 percent of the electricity of the United States, TVA rose to the occasion and met those power needs and helped end World War II.

I am proud to say that TVA is headquartered in my congressional district. I am proud of TVA's president and CEO Tom Kilgore, and Chairman Bill Sansom, two good friends of mine, and of the leadership they provide to TVA in this challenging time for utilities across the country.

I believe as we move into the future and look for more sustainable sources of energy, that TVA will continue to provide the leadership to help the valley become even stronger and more economically vibrant. I can tell you that my region has become one of the most popular places to move to in the entire country, and that is in no small part because of the Tennessee Valley Authority and the role it plays in the lives of our citizens.

The citizens of the Tennessee Valley have been better off because of the work and historic mission of the Tennessee Valley Authority.

I urge my colleagues to support this resolution.

Mr. COHEN. Mr. Speaker, I would now like to yield as much time as he may consume to the gentleman who is the sponsor of this bill and brought this to the Congress, a gentleman who is retiring, and was one of the first people I had the opportunity to meet when I came up here. He has been very kind to me in my first year.

I regret his leaving, but he has provided his service to this Congress, and a gentleman whose district shares much with my district, music, and many of the Memphis musicians fled to Muscle Shoals at one time. We forgive him that; that was their choice. We wish him good luck in the Alabama-Georgia game—Mr. CRAMER of Alabama.

Mr. CRAMER. I thank my friends from Tennessee, and I thank the Transportation and Infrastructure Committee where I spent so many valuable years, the staff on both sides of the aisle. I have appreciated what you have meant to my congressional district and what you have meant to the Tennessee Valley Authority as well.

I rise today to commemorate the 75th anniversary of the Tennessee Valley Authority. I think it's only appropriate that we do this during what we hope will be the last hours of this, the 110th Congress.

In the 110th Congress, I had the honor of serving as the cochair of the congressional TVA Caucus, which has existed since I have been here, before I

was here. I have been here 18 years. I have cochaired this caucus along with Senator LAMAR ALEXANDER from Tennessee, so we have had a House-Senate partnership there.

There are 41 House and Senate Members that comprise this very proactive Tennessee Valley Authority Caucus. As I look around the room today, many of our House Members that have participated in that caucus are here today.

My friends have talked about when TVA was created. Mr. DUNCAN, we know that TVA is wonderfully headquartered up there in your congressional district in Knoxville. When TVA was first chartered back in 1933, it was headquartered in the Muscle Shoals area of north Alabama, so we still reluctantly accept that you have the headquarters there that we had back when TVA was first chartered back in 1933.

Let's remember back to 1933. It was the Great Depression. At that time the agriculture industry, which was the bread and butter of the Tennessee Valley, had collapsed. Trying to make ends meet, the people of the valley had overfarmed their land, leading to widespread erosion, soil depletion and low crop yields.

As part of this New Deal program, President Franklin Roosevelt envisioned TVA as a different kind of government agency that could be backed by the power of the United States Government but also have the ''flexibility and initiative of a private enterprise.''

TVA was born, TVA has prospered, and TVA has done remarkable things for our area. We are economically prosperous because of the presence of TVA. They've built the dams, they've developed new fertilizers, they've been the lifeblood of partnerships with local and State government over economic development opportunities.

You can't drive through the Tennessee Valley area without looking around and seeing a much different and much more prosperous area than we ever would have been if TVA had not been the entity that it had been.

Now the TVA of today is not the TVA of the thirties, forties and fifties. We have a different board construct today. TVA is very concerned about the environment. It's looking at its plants, making sure that they are cleaner, more efficient than they ever were before.

□ 1030

Reflect back, also. After the war, TVA built a 650-mile navigation channel along the Tennessee River, allowing it to become one of the longest transport systems in the country. When we make our pitches for economic development opportunities, it is that navigational channel that is our strength as we acquaint those prospective new industries with what we have to offer.

In the 1990s, TVA began several energy efficiency and conservation programs. These initiatives allowed TVA to cut their annual operating costs by more than $800 million while still meeting the electricity needs of the growing population of the Tennessee Valley.

In 1998, TVA started a new $5.8 billion clean air program that has reduced their emissions by 70 to 80 percent. Additionally, TVA recently began its Green Power Switch Program, designed to increase the availability of energy derived from renewable resources such as solar and wind for customers in the Tennessee Valley.

TVA is also leading the way to clean and safe nuclear power. In my district, TVA is making great strides to increase our Nation's use of nuclear energy. That is a reality we must confront.

So I believe the TVA today, under the leadership of Chairman Bill Sansom and CEO Tom Kilgore, is ready and able to meet the growing environmental and power demands while continuing to be a valuable economic partner to the men and women of the Tennessee Valley.

Since I am leaving Congress, I want to thank my colleagues for serving with me and making sure that our TVA area is the area that we know it to be today, an efficient government entity, and that is not something you can say very often.

Mr. BOOZMAN. Mr. Speaker, we certainly support this resolution and thank Mr. CRAMER for bringing it forward. We also thank him so much, not only for this resolution but for his hard work in Congress in general. Mr. CRAMER has done an outstanding job and he is an individual that will be missed by both sides, by Republicans and Democrats, and we truly appreciate all that you have done, BUD, in serving your constituents.

I yield such time as he would like to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from Arkansas for yielding to me one more brief time.

I rise to say it has been a privilege and honor for me to serve with the gentleman from Alabama who unfortunately is leaving the Congress this year. BUD CRAMER and I have traveled many times together. We have become, I think, very close friends. It is interesting to me that our careers have been almost parallel. We were in law school at approximately the same time. We practiced law. He became a prosecuting attorney in his hometown of Huntsville when I was serving as a criminal court judge in my hometown of Knoxville. He came to Congress shortly after I did. He rose to become one of the senior members and one of the most powerful and influential members on the Appropriations Committee here in the Congress.

I can tell you that I have respect and admire BUD CRAMER more than almost anybody I know. He has been an outstanding public servant in every way, and this Congress will certainly miss the gentleman from Alabama when he leaves. I want to personally thank him for not only his friendship to me, but more importantly his service to this Nation.

Mr. BOOZMAN. Does the gentleman have any more speakers?

Mr. COHEN. No, sir.

Mr. BOOZMAN. If the gentleman has no further speakers, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I again join with my colleagues in expressing the pleasure I have had serving with Mr. CRAMER and my appreciation for his service. We do share a lot. Sam Phillips was born in your district. He came to Memphis, he gave birth to Elvis Presley and the rest is history.

Thank you; you have been a true gentleman and I will miss you.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1224, to commemorate the Tennessee Valley Authority ("TVA") on its 75th anniversary.

H. Res. 1224 recognizes the TVA for its long history of service in the areas of energy, the environment, and economic development on a service area that includes parts of seven States.

President Franklin Delano Roosevelt signed the legislation creating the TVA on May 1, 1933. This Authority was a product of President Roosevelt's New Deal plan to help the economy rise from the depths of the Great Depression.

The establishment of the Tennessee Valley Authority by the Federal Government illustrated Congress's recognition of the importance of integrating regional and national planning into problem solving strategies that affect multiple States.

The TVA's mission areas were originally identified to reduce the risk of flood damage, improve navigation on the Tennessee River, provide electric power, and promote "agricultural and industrial development" in the region.

The TVA continues to manage its resources in an integrated fashion for a wide range of benefits including electric power production, flood control, waterborne commercial transportation, recreation, water supply, and water quality.

Through the years, TVA has continued to adapt and evolve to reflect the needs of the day. This evolution is reflected in its development of hydroelectric facilities in the 1940s to support the war effort and production of aluminum, to its present day development of renewable power resources.

I applaud the sponsor of this legislation, the gentleman from Alabama (Mr. CRAMER), for his strong advocacy of the Tennessee Valley Authority during his 18 years in Congress. The gentleman has been a valuable member of this Chamber, a distinguished alumnus of the Committee on Transportation and Infrastructure, and a dedicated champion for the people of the 5th Congressional District. I wish him well in his future endeavors.

Mr. Speaker, I urge my colleagues to join me in agreeing to the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the

rules and agree to the resolution, H. Res. 1224.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

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

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2008

Ms. NORTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Protective Service Guard Contracting Reform Act of 2008''.

SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

(B) may consider permanent or interim prohibitions when promulgating the regulations.

(2) CONTENTS.—The regulations under this subsection shall—

(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

Not later than 18 months after the date of enactment of the Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3068.

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

There was no objection.

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

I rise in support of the Senate amendment to H.R. 3068. The bill is the result of two oversight hearings held by the Transportation and Infrastructure Committee Subcommittee on Economic Development, Public Buildings and Emergency Management that examined the role of the Federal Protective Service in providing security to our Nation's public buildings.

There was evidence and serious allegations of wrongdoings, chaos and irregularities in the contracting and employment of private security guards who protect Federal employees and facilities. This legislation intends to preserve the security of the country's most sensitive buildings.

The Senate amendment supports the principles of the House bill and authorizes the Secretary of Homeland Security to devise regulations that prohibit contracts for the provision of guard services to any business owned or controlled by a convicted felon. In addition, the Senate amendment provides some limited flexibility for the contract officer to identify serious felons and create guidelines for the contracting officer to assess mitigating factors and the risks associated with previous convictions.

I urge all Members to vote for the Senate amendment to H.R. 3068, the Federal Protective Service Guard Contracting Reform Act of 2008.

I reserve the balance of my time.

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

H.R. 3068 was introduced by Subcommittee Chairwoman Norton last year, and prohibits the Federal Protective Service from awarding contracts to businesses owned, controlled or operated by convicted felons. Specifically, the bill would direct the Secretary of Homeland Security to promulgate regulations to implement this prohibition.

The Federal Protective Service, FPS, has a critical mission. FPS serves as one of the first lines of defense for our Federal buildings. It employs more than 1,000 trained personnel, and 15,000 contract security guards. It is charged with securing nearly 9,000 federally owned and leased buildings.

This legislation will help improve security at those buildings and facilities and increase the standards of safety for Federal properties across the country. H.R. 3068 passed the House last year and was amended in the Senate. The Senate amendment provides additional direction to the Secretary of Homeland Security on key issues that the regulations should include. The Senate amendment also directs the administrator for Federal procurement policy to issue a report to Congress on establishing similar guidelines government-wide.

This legislation is important to ensure the integrity of the forces protecting our Federal buildings and the employees and visitors that work in and visit those buildings every day. I support this legislation. I urge my colleagues to do the same.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, we very much appreciate that the House has gotten to this bill before we adjourn. This bill arose from oversight, and I think emphasizes the importance of oversight. Essentially it eliminates proxy ownership of vital FPS contracting operations. As a result of oversight and reports from workers and sometimes from unions, we learned that there were unpaid contract guards. As a result of the hearings, upon learning of these reports, we found that there was a contractor who was a felon, had spent 5 years in jail for money laundering and fraud.

What we discovered was sometimes there were unpaid guards working out of, of all places, the Department of Homeland Security, and that at other times the money had been received, as in the case of the proxy ownership, and had not been paid.

Security guards have grown to overwhelm the Federal Protective Service which is the official service that guards these buildings. The decrease in the Federal Protective Service is itself a hazard. But with 15,000 Federal security guards, that means hundreds probably of contractors, because many of them are small businesses. As the number of security guards and therefore contractors has grown, it is important that our vigilance of the contract operations also increases.

I was particularly concerned because these reports came in, from all places, the Nation's capital and the national capital region. This is the region at the top of the list of places where we are always on the alert against terrorism.

We want to particularly compliment the workers who continued to work even though they were unpaid. I want to give some credit to ICE because in the hearings where we followed up to see that this matter was corrected while this bill was pending, we worked closely with ICE which had jurisdiction over the Federal Protective Service and now has an ombudsman for security guard contracts; it centralized contracting operations so that prompt payment and monitoring of the invoices can occur. We gave them a deadline to cure that backlog, and they cured that backlog by August of last year.

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What this bill does is to now shut the door with legislation that was clearly required after the discovery of proxy ownership by a felon who had, essentially, the responsibility for guards' guarding vital buildings in the Nation's capital and perhaps elsewhere.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I want to thank Chairwoman NORTON for bringing this legislation forward. It's something that we certainly support.

We thank you for your hard work.

I yield back the balance of our time.

Ms. NORTON. I thank the gentleman, and I thank the entire committee and subcommittee for the strong bipartisan support that this bill and the work that uncovered it have had throughout.

Mr. OBERSTAR. Mr. Speaker, I rise in support of the Senate amendment to H.R. 3068. This bill, as amended by the Senate, represents an important step in ensuring the safety of Federal employees and all those who work in and visit our Federal buildings.

On April 18, 2007, the Committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". The hearing probed the Department of Homeland Security's plans to cut the presence of Federal Protective Service ("FPS") officers nationally. The reliance on contract security guards to protect Federal buildings is a troubling trend.

On October 2, 2007, the House passed H.R. 3068 to prohibit the Secretary of Homeland Security from awarding security guard contracts to businesses owned, controlled, or operated by convicted felons.

H.R. 3068, as amended by the Senate, continues to support the central concept of the legislation as enacted by the House. The Senate amendment authorizes the Secretary of Homeland Security to establish guidelines that prohibit contracts for the provision of guard services to any business owned or controlled by individuals convicted of serious felonies, as determined by the Secretary. Further, the amendment allows discretion to contracting officers assess mitigating factors and the risks associated with a particular conviction.

This bill, as amended, offers a common sense w y to ensure that security contracts that provide an essential service are awarded only to contractors who are, "capable, responsible, and ethical", as required by the Federal Acquisition Regulations.

I support H.R. 3068, as amended, and urge its passage.

Finally, I insert in the CONGRESSIONAL RECORD an exchange of letters between Chairman HENRY WAXMAN, Chairman of the Committee on Oversight and Government Reform, and me.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 25, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007".

I agree that provisions in H.R. 3068, as amended by the Senate, are of jurisdictional interest to the Committee on Oversight and Government Reform. I appreciate your willingness to waive rights to further consideration of H.R. 3068, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 3068.

This exchange of letters will be placed in the Congressional Record as part of the consideration of H.R. 3068, as amended by the Senate, in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 25, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I am writing about H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2008".

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 3068, as amended by the Senate, that fall within the Oversight Committee's jurisdiction. In the interest of expediting consideration of H.R. 3068, the Oversight Committee will not separately consider relevant provisions of this bill. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 3068 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3068.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REPEALING LICENSE REQUIREMENT FOR EMPLOYMENT AS A SALVAGER ON THE COAST OF FLORIDA

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2482) to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2482

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

SECTION 1. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2482.

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

There was no objection.

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

Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of S. 2482.

This legislation is very simple. It would repeal an antiquated law that requires vessels and the captains of vessels conducting salvage operations off the coast of Florida to obtain licenses from a United States District Court. The law, which applies only to Florida, was adopted in 1847. No license has been issued under this law since approximately 1921, in large measure, because it seems to have been a forgotten requirement until the recent codification of title 46.

This law serves no purpose at this time. The measure before us would repeal this provision and would eliminate

a needless burden on salvors working off the coast of Florida.

I applaud Senator MARTINEZ for his leadership on this measure, and I urge its adoption by the House.

I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I rise in support of S. 2482, a bill to repeal a provision in current law which requires licenses for employment in the business of maritime salvaging in the State of Florida.

S. 2482 is a companion bill to H.R. 4542, which was introduced by the ranking member of our full committee, Congressman JOHN MICA of Florida, and which passed the House as part of H.R. 2830, the Coast Guard and Maritime Transportation Act of 2008.

Sadly, even though Chairman CUMMINGS has done a great job and even though Mr. OBERSTAR has done a great job and we've tried to work together on the Coast Guard reauthorization bill, our friends on the other side of the Capitol haven't quite reached agreement with us.

The bill repeals section 80102 of title 46, United States Code, an antiquated provision which dates back in various forms to the 1820s. It requires Federal judges to issue licenses to wreckers working in the State of Florida. Wreckers, now generally known as salvors, provided assistance to ships in trouble in exchange for a portion of the vessel's cargo. In the early 19th century, some argued that these wreckers may have provided assistance that was not needed and then demanded a portion of the vessel's cargo. It sounds a little bit like piracy to me, but I'm not sure.

At that time, the primary Federal presence in Florida was the Federal judiciary. Therefore, Federal judges were given licensing authority over these wreckers. The licensing requirement fell out of use early in the last century. Today, salvage vessels and their crews operating in Florida are regulated under Coast Guard safety, inspection, crew licensing, and environmental standards just like any other vessels operating in United States waters.

The Justice Department has determined the provision is unconstitutional, and S. 2482 repeals this anachronism. I support the bill.

I reserve the balance of my time subject to the chairman.

Mr. CUMMINGS. Yes. I assume the gentleman, my minority ranking member, has no further speakers.

Mr. LATOURETTE. The gentleman is correct. If you have none, I am prepared to yield back and would yield back.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2482, a bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

In 1847, Congress enacted a law designed to prevent individuals from luring ships on the beach with lanterns—and then salvaging these wrecks. The law said that you cannot salvage a ship in Florida unless you have a license issued by a U.S. District Court. At the time these individuals were called wreckers. Today, they are called salvors.

Two years ago, Congress passed a recodification of all of the laws in title 46 of the U.S. Code—titled "Shipping". It was only after that recodification when the terms were updated from "wreckers" to "salvors", did the salvage industry realize that they needed a license to do its work in Florida. This requirement is not imposed on salvors in any other State of the United States.

S. 2482 repeals this archaic law outright. Today Florida attracts tourists and cruise ships to its shores. It doesn't try to wreck them on the rocks.

Mr. Speaker, I urge my colleagues to support the passage of S. 2482.

Mr. CUMMINGS. Mr. Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the Senate bill, S. 2482.

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

A motion to reconsider was laid on the table.

JUANITA MILLENDER-McDONALD HIGHWAY

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4131) to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4131

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

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Juanita Millender-McDonald was born on September 7, 1938, in Birmingham, Alabama, to the Reverend Shelly and Everlina Dortch Millender.

(2) Juanita Millender-McDonald earned her bachelor's degree from the University of Redlands in 1981, and her master's degree from California State University, Los Angeles, in 1987.

(3) Juanita Millender-McDonald was a true trailblazer, entering public service in 1990 as a member of the Carson City Council and becoming the first African-American woman to serve on the Carson City Council.

(4) Continuing as a pioneer, Juanita Millender-McDonald served in the California State Assembly from 1992 to 1996, and in her first term, she became the first assembly member to hold the position of chairwoman of two powerful California State Assembly committees (Insurance and Revenue and Taxation).

(5) Continuing to make history, Juanita Millender-McDonald served in the United States House of Representatives from 1996–2007, becoming the first African-American woman to chair any full House Committee when on December 19, 2006, she was named Chairwoman of the House Committee on House Administration.

(6) A leader among leaders, a University of California study named Juanita Millender-McDonald one of the most effective Members of Congress.

(7) As a Member of Congress, Juanita Millender-McDonald was the first African-American woman to give the national Democratic response to President Bush's weekly radio address.

(8) Juanita Millender-McDonald initiated the first annual Memorial Day tribute to women in the military at the Women in Military Service For America Memorial at Arlington National Cemetery.

(9) As the founder of the Congressional Goods Movement Caucus, Juanita Millender-McDonald was a leader in the promotion of interstate commerce and a tireless advocate for the Port of Long Beach, and the Port of Los Angeles.

(10) Juanita Millender-McDonald was instrumental in the $2,500,000,000 project that created the Alameda Corridor, a 20-mile rail expressway that opened in April 2002 and is a vital connection between the ports and America's rail system.

(11) As the founder and executive director of the League of African-American Women, an organization responsible for the annual "AIDS Walk for Minority Women and Children", the legacy of Juanita Millender-McDonald as a humble, selfless champion for women will endure for generations to come.

SEC. 2. DESIGNATION.

The portion of California State Route 91 located in Los Angeles County, California, from post mile 10.4 to post mile 11.1 shall be known and designated as the "Juanita Millender-McDonald Highway".

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of California State Route 91 referred to in section 2 shall be deemed to be a reference to the "Juanita Millender-McDonald Highway".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4131.

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

There was no objection.

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

First and foremost, I would like to thank Chairman OBERSTAR and Ranking Member MICA for their help in bringing this legislation to the floor. H.R. 4131 honors the legacy of a woman who many of my colleagues on the Transportation and Infrastructure Committee already know—former Congresswoman Juanita Millender-McDonald, a real trailblazer, my predecessor here in Congress and, for many years, my mentor and my boss. Words cannot describe the impact Congresswoman Juanita Millender-McDonald had on so many lives, but today, I will do my best to reflect on her work and on her accomplishments.

Congresswoman McDonald was a real trailblazer in every sense of the word. She came to Congress in 1996 and became the first African American woman to chair any full House committee when, on December 19, 2006, she was named chairwoman of the House Committee on House Administration, one spot our Madam Speaker often calls, really, the House's mayor.

Likewise, Congresswoman Millender-McDonald initiated the first annual Memorial Day tribute to women in the military at the Women's Memorial at Arlington National Cemetery. Some other firsts: Congresswoman McDonald was the first African American woman to give the national Democratic response to President Bush's weekly radio address. Also, Congresswoman McDonald was the first assemblywoman to hold the position of chairwoman on the Committee of Revenue and Taxation.

These accomplishments represent just a few of the many firsts that Congresswoman Millender-McDonald achieved, a long list that dates back to her days on the Carson City Council where she was the first African American woman to serve on that body.

You know, it kind of makes me think back to a story that people in the community talked about. Congresswoman McDonald didn't start off as a person who was going to be an elected official. She was a parent; she was a teacher; she was someone who worked for the second largest school district in this Nation. I think back to one incident that a lot of her constituents would smile about.

She lived not far from the Carson Mall, this mall that is in my district. Traditionally, when we have Christmas, we have Santa, but most people have a certain way of how we picture Santa looking. Ms. McDonald, having her five children, thought that Santa should maybe reflect our entire country, so she led this charge to have Santa be reflective of our entire community, and so it was always kind of cute. We used to refer to her as Mrs. Claus, and that's really how she got her start at being active and in understanding that her community needed to be represented and that her community needed to shine and that it needed to be able to grow and to be successful.

Therefore, the naming of this portion of the 91 freeway is fitting because the 91 freeway was a part of Congresswoman Millender-McDonald's district during her entire legislative career in the California Assembly and here in Congress. The 91 freeway also runs adjacent to the Major League Baseball Urban Youth Academy, a facility in my and her former district that she cherished dearly.

However, anyone who knew Congresswoman McDonald also knows that her family came first. Her husband, James, was her backbone, the love of her life. Together, they raised five beautiful children, and they adored their five grandchildren. However, Congresswoman Millender-McDonald's family includes more than her children, grandchildren, nieces, and nephews. Congresswoman Millender-McDonald's family also includes a list of elected officials at the Federal, State and local levels that she mentored in addition to me: Councilman Steve Bradford, Carson Mayor Pro Tem Mike Gibson and soon to be Assemblyman Isadore Hall.

Congresswoman McDonald was an effective Member of Congress who was known for her bipartisan spirit and for her fiscal conservative principles. I think you're going to hear from my colleagues today that one of the things that Congresswoman McDonald valued was her relationship on both sides of the aisle. Although she was concerned about social programs, she knew that you couldn't do them unless you could pay for them. That was really a strength and, I think, something that her colleagues loved.

These are the lessons that Congresswoman Millender-McDonald taught me when I was on her staff, and they have served as a guide throughout my own legislative career. I can honestly say, but for Congresswoman Millender-McDonald's willingness to take me under her wing and to hire me, I would not have had the opportunity to master the Federal system. She was my mentor, my political godmother and an inspiration to all Americans.

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

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

First of all, I want to commend the gentlelady from California (Ms. RICHARDSON) for bringing this bill to the floor today. Certainly, it's a very appropriate bill because of all of the firsts that the gentlewoman from California has already mentioned and for many other reasons.

I'm honored to support H.R. 4131. As has been stated, this bill would designate a portion of California's State Route 91 in Los Angeles County as the Juanita Millender-McDonald Highway. This is a very fitting tribute to our former colleague Congresswoman Millender-McDonald.

Congresswoman Millender-McDonald was a member of the Transportation and Infrastructure Committee for over 10 years. Beginning when she was first elected to Congress in April of 1996, she was a tireless advocate for transportation issues impacting her district, including projects related to the Ports of Long Beach and Los Angeles and the Alameda Corridor freight railroad project.

She was also a leader on national transportation issues. She took her experience in dealing with freight mobility challenges in southern California and founded the Congressional Goods Movement Caucus. Through her position on the Transportation and Infrastructure Committee and in her role with the Congressional Goods Movement Caucus, Congresswoman Millender-McDonald promoted transportation projects necessary to facilitate interstate commerce while protecting communities from the adverse effects associated with freight movement.

She rose to the level of being a full committee chairwoman in this Congress, and she was respected and admired on both sides of the aisle. More importantly than all of this, than all of her work in Congress, Juanita Millender-McDonald was just a good human being.

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She was a friend of mine, and I knew from discussions I had with her how much she loved her family and her friends. She was beautiful in appearance and was so dignified and professional in every way and set such a good example for all of us. She served the people of her district and this Nation well and with great honor and distinction.

I urge all of my colleagues to support this bill honoring a good friend, Congresswoman Juanita Millender-McDonald.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield as much time as he might consume to our chairman of the Subcommittee on Coast Guard and Maritime, also a member of Transportation and Infrastructure Committee, and more importantly, a dear friend of Congresswoman Millender-McDonald, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentlewoman for yielding, and I want to thank her for sponsoring this important bill, and I take a moment to honor my friend, Congressman Millender-McDonald.

She and I had a special relationship because we sat beside each other on the committee, and she had come to Washington in a special election about a month before I came in a special election. So we had a certain kinship.

But as I sat here and I was listening to Ms. RICHARDSON and listening to the minority, it's clear that all of us had a tremendous respect for her. And I thought about all of the kind things that Ms. RICHARDSON said about her. But one of the things that she said that stood out for me most was that she was a mentor.

Around here, we come here, we do our work, we work hard, we give it everything we've got; and I know Mr. DUNCAN knows what I'm talking about. We give it everything we've got, and then we leave. And sometimes I guess we wonder how much impact we have had. But I think the greatest impact we can have is on other people.

The fact that Congresswoman Millender-McDonald took Congresswoman RICHARDSON under her wing as a young staff assistant and then worked with her and considered her a friend, and then the next thing you know we see this young lady that is Congresswoman RICHARDSON now

emerge as just an outstanding Member of Congress says a lot about the effectiveness not only about Ms. Millender-McDonald with regard to her legislative life, that is what she did here on the Hill, but it also says a lot about what she did in her district and how she affected people.

The reason I mention that, Mr. Speaker, is because I think a lot of people get very confused about what we do here. Some people think that it's just the buildings that you have built and all of the things that you may bring back to your district. But the thing that is truly lasting is not all the buildings and all of the highways, but it's about building people because that's what truly lasts.

I'm often reminded of a part of ''The Lion King,'' which I love so much. My kids tease me about it, but I love it. There's one portion of ''The Lion King'' where the young lion cub says to his father, ''You died, and I need you, and I need you to be here with me so that I can talk to you and ask for advice and so that you can help my through my difficult times.'' And he's saying, ''Where are you?'' And then a few songs later, it says, ''He lives in you.''

I think what we're doing here right now today is a perfect example of that.

Congresswoman Millender-McDonald, just like all of us, had to move on and make a transition. But she was able to leave someone behind to carry on her work. And she has left an impact not only on the Democratic side, but our Republican brothers and sisters, so that we can carry on that work.

I can never remember ever sitting down at a markup where Ms. Millender-McDonald did not have something to say about her district. Ever. I used to tease her. I used to say, ''You're getting all the money, girl.'' She'd say, ''That's my job.''

So I just wanted to take a moment to honor her, and I just hope that when we folks drive down Highway 91, somebody will ask the question, ''Who was she,'' some child who never got to know her, somebody who may have not been informed about who their Congresswoman was, but hopefully somebody would be there in their car to be able to tell them the story of a great lady, a great lady who not only built bridges, but one who also tore down walls, consistently tore down walls of separation, built bridges of unity bringing people together as head of our House Administration Committee, constantly reaching out.

One of the last letters I got before she passed away was a letter about an issue that was very controversial, but she had resolved it, and it was just before she died.

So to the very end—and that's what they told us at her funeral, by the way, they said she was working until the day she died.

But then she did something very important. She passed on the baton to a young lady now who turns around and says, ''You know what? I am not going to let you be forgotten.''

And this Congress is not going to let her be forgotten because her life is a shining example of what all our lives should be. I want to thank again all sides for making this happen.

Mr. DUNCAN. Mr. Speaker, I didn't realize that we had any other speakers, so I would like to either reclaim my time or request that the gentlelady from California yield some time to the gentleman from Michigan (Mr. EHLERS).

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee reclaims his time.

There was no objection.

Mr. DUNCAN. Mr. Speaker, I then yield to the ranking member of the House Administration Committee, my good friend, the gentleman from Michigan (Mr. EHLERS), such time as he may consume.

Mr. EHLERS. I thank the gentleman for yielding, and I thank you for the accommodation.

As soon as I discovered this issue was before us, I rushed to the floor so that I could participate in this discussion.

I worked closely with Ms. Millender-McDonald for several years. When I was Chair, she was ranking member, and when she was Chair, I was ranking member.

The word that comes to mind the second I think about her is ''elegance.'' She was a very elegant person. I mean that in a very positive sense. I'm not talking just about elegance in dress, elegance in bearing, but to the core of her being she was an elegant, wonderful human being.

I enjoyed working with her. We accomplished a lot together on the committee. We obviously had our differences now and then, but we always worked through them. And what always struck me as something really wonderful about her and about our Nation, and to show how far we've come, that a sharecropper's daughter could become the Chair of a major committee in the Congress of the United States. That's amazing, but it speaks very well of her in the way she comported herself, the way she had taught herself, the accomplishments that she had made during her life. Just a very remarkable person in every way.

The only regret I had was that she never shared with me anything about her illness or the seriousness of her illness. I believe she felt she had to carry that burden alone. And I would have been delighted and honored had she shared with me more of the details so that I could help her on this journey towards death, and that I could have been at her side praying with her and comforting her.

But it's just a great delight to see this honor bestowed upon her. I certainly hope this is an elegant highway that we're dedicating to her, because it would be befitting of her and her accomplishments, and above all, her presence as a human being, that this highway reflect her greatness, her elegance, her ability, and her dedication to her people and to this Nation.

I thank you.

Mr. DUNCAN. Mr. Speaker, we have no other speakers.

I urge all of my colleagues to support this very fitting tribute to a great lady, our friend, Congresswoman Juanita Millender-McDonald.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield as much time as he might consume to our chairman of the Transportation and Infrastructure Committee, Mr. Highways himself, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, there are many tributes one could establish for former colleagues: statues and plaques and naming of various facilities; but for Juanita Millender-McDonald, a transportation artery is truly appropriate, fitting, and necessary.

From the time she set foot in this Chamber and won a seat on the Committee on Transportation and Infrastructure, she was ceaseless in her devotion to transportation initiatives. If I heard the term ''Alameda Corridor'' once, I heard it a hundred times; if I heard the Desmond Bridge once, I heard it 50 times; if I heard ''freight transportation corridors'' once, I heard it a thousand times. It was endless. And that was her passion, her devotion, her commitment.

There were many other causes that Juanita Millender-McDonald championed. The gentlewoman from California, her successor, Ms. RICHARDSON, has already enumerated those. I will submit those in a longer statement for the RECORD.

But I just want to take this moment, as we did in committee and here on the floor, to pay tribute to a dear friend, a champion of transportation causes, a person with soul, with spirit, with grace, with elegance who served her constituents and State and this Nation extraordinarily well. And it is appropriate that we memorialize that service by this naming we are undertaking today.

Ms. RICHARDSON. Mr. Speaker, Congresswoman Juanita Millender-McDonald was known consistently for pulling off unexpected victories. As a staffer and now as a Member, there are two things I cherish most: one, Congresswoman Juanita Millender-McDonald, as our chairman just said, was committed to working and serving her constituents; number two, something she used to say to me often, ''You can't throw the baby out with the bath water.'' She had the unique ability to build, nurture, and develop others, particularly young adults . . . and the least of these.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and pass the bill, H.R. 4131.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DUNCAN. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

INTEGRATED DEEPWATER PROGRAM REFORM ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6999) to restructure the Coast Guard Integrated Deepwater Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6999

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

TITLE I—INTEGRATED DEEPWATER PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Integrated Deepwater Program Reform Act of 2008''.

SEC. 102. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Secretary may not use a private sector entity as a lead systems integrator for acquisitions under, or in support of, the Integrated Deepwater Program after the end of the 180-day period beginning on the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The Secretary and the lead systems integrator for the Integrated Deepwater Program shall utilize full and open competition for any acquisition for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation.

(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) EXCEPTIONS.—

(1) COMPLETION OF ACQUISITIONS BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Secretary may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for acquisitions after the date that is 180 days after the date of enactment of this Act of, or in support of, the HC–130J aircraft, the HH–65 aircraft, and the C4ISR system if the requirements of subsection (c) are met with respect to such acquisitions;

(C) for acquisitions after the date that is 180 days after the date of enactment of this Act of, or in support of, National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date that is 180 days after the date of enactment of this Act, if the requirements of subsection (c) are met with respect to such acquisitions; and

(D) for the acquisition, or in support, of additional National Security Cutters or Maritime Patrol Aircraft if the Secretary determines that—

(i) the acquisition is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition is in the best interest of the Federal Government; and

(iii) the requirements of subsection (c) are met with respect to such acquisition.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—The Secretary may award to any Tier 1 subcontractor or subcontractor below the Tier 1 level any acquisition that the Secretary could award to a lead systems integrator under paragraph (1).

(3) REPORT ON DECISION-MAKING PROCESS.—If the Secretary determines under paragraph (1)(B), (1)(C), or (1)(D) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Secretary shall notify in writing the appropriate congressional committees of the Secretary's determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract, delivery order, or task order using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for an acquisition under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any acquisition described in subsection (b)(1)(B), (b)(1)(C), or (b)(1)(D) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the subcontractor was selected by the Secretary through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Secretary has determined that the procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulation.

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B), (C), or (D).

(e) TERMINATION DATE FOR EXCEPTIONS.—Notwithstanding subsection (b), the Secretary may not use a private sector entity as a lead systems integrator for acquisitions under, or in support of, the Integrated Deepwater Program after the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

SEC. 103. REQUIRED CONTRACT TERMS.

(a) IN GENERAL.—The Secretary shall ensure that any contract, delivery order, or task order for an acquisition under, or in support of, the Integrated Deepwater Program executed by the Secretary after the date of enactment of this Act—

(1) provides that all certifications for Integrated Deepwater Program procurements will be conducted by the Secretary or an independent third party, and that self-certification by the contractor or subcontractor is not allowed;

(2) provides that the Commandant shall conduct a technical review of all proposed designs, design changes, and engineering changes and requires that the contractor address all design and engineering concerns identified in the technical reviews;

(3) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

(4) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements;

(5) specifies that, for the acquisition or upgrade of air, surface, or shore assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore asset standard then used by the Department of the Navy for that type of asset; and

(6) for any contract issued to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) PROHIBITED CONTRACT PROVISIONS.—The Secretary shall ensure that any contract, delivery order, or task order for acquisition under, or in support of, the Integrated Deepwater Program executed by the Secretary after the date of enactment of this Act does not include—

(1) provisions that commit the Secretary without express written approval by the Secretary; or

(2) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

(c) EXTENSION OF PROGRAM.—Any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term, as signed in May 2006 and modified in June 2007—

(1) shall not include any minimum requirements for the purchase of a given or determinable number of specific assets; and

(2) shall be reviewed by the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

SEC. 104. TESTING AND CERTIFICATION.

(a) EARLY OPERATIONAL ASSESSMENT.—

(1) For any major asset type acquired for the Coast Guard after the date of enactment of this Act other than the National Security Cutter and the Maritime Patrol Aircraft, the Secretary shall cause an early operational assessment to be completed on the design for that asset type.

(2) The early operational assessment shall be conducted by an independent third party with relevant expertise in conducting early operational assessments on the asset type

for which the assessment is being performed or by the Coast Guard acting in collaboration with an independent third party with relevant expertise in conducting early operational assessments on the asset type for which the assessment is being performed.

(3) The result of this assessment shall be submitted to the appropriate congressional committees at least 90 days prior to the initiation of any construction activity utilizing the proposed design.

(4) The Secretary shall also submit a report describing the steps taken to mitigate the risks identified by the early operational assessment conducted under this section in the design on which construction is to begin at least 30 days prior to the initiation of any construction utilizing the proposed design.

(b) ASSESSMENT OF OPERATIONAL CAPABILITY.—

(1) The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft by the Coast Guard to be subjected to an assessment of operational capability conducted by an independent third party with relevant expertise in the asset type or by the Coast Guard in collaboration with an independent third party with relevant expertise in the asset type.

(2) The result of the assessment conducted under this subsection shall be submitted to the appropriate congressional committees at least 45 days prior to acceptance of the asset.

(c) CUTTER CLASSIFICATION.—The Secretary shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery.

(d) TEMPEST TESTING.—The Secretary shall cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certify that the asset meets all applicable TEMPEST requirements.

(e) NATIONAL SECURITY CUTTER.—The Secretary shall cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification.

(f) AIRCRAFT AIRWORTHINESS.—The Secretary shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(g) CERTIFICATIONS.—

(1) After the date of enactment of this Act, a contract, delivery order, or task order exceeding $10,000,000 for an acquisition under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Secretary certifies that—

(A) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(B) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(C) the technology demonstrates a high likelihood of accomplishing its intended mission;

(D) funding is available to execute the contract, delivery order, or task order; and

(E) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(2) The Secretary shall transmit a copy of each certification required under subsection (g) to the appropriate congressional committees within 30 days after the completion of the certification.

(h) LIMITATION.—Nothing in this section shall prevent the Secretary from executing contracts or issuing delivery orders or task orders for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

SEC. 105. NATIONAL SECURITY CUTTER.

Not later than 90 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG–07–23 dated January 2007, the Secretary shall submit to the appropriate congressional committees all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, in conjunction with the Naval Surface Warfare Center, Carderock Division, including—

(1) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(2) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(3) a description of any operational restrictions that would have to be applied to either National Security Cutters 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

SEC. 106. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

(b) DEEPWATER TECHNICAL AUTHORITY.—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements for the Integrated Deepwater Program. Any such designation shall be given in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of title 14, United States Code.

(c) ENSURING ADEQUATE PERSONNEL.—The Secretary shall ensure that sufficient contracting officers, contracting specialists, and technical and financial management specialists (including earned value experts) are available to execute each contract issued under the Integrated Deepwater Program.

(d) ACQUISITIONS WORKFORCE POLICY.—The Secretary shall review all policies established for the Coast Guard's acquisitions workforce to ensure that they are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law, and promote the establishment and maintenance of a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(e) CAREER PATHS.—The Secretary shall ensure that appropriate career paths for civilian and military personnel who wish to pursue careers in acquisitions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Coast Guard to the most senior acquisitions positions. The Secretary shall make available published information on such career paths.

(f) BALANCED WORKFORCE POLICY.—In the development of acquisition workforce policies with respect to any civilian employees or applicants for employment, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(g) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS.—

(1) ISSUANCE OF GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue guidance for major systems acquisition programs to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of major systems acquisitions. The guidance issued pursuant to this subsection shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisitions experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to the program manager, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisitions program; and

(C) the extent to which a program manager who initiates a new program will continue in management of that program without interruption until the delivery of the first production units of the program.

(2) STRATEGY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a comprehensive strategy for enhancing the role of Coast Guard program managers in developing and carrying out acquisition programs.

(B) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(i) the creation of a specific career path and career opportunities for program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for program managers;

(iii) the provision of mentoring support to current and future program managers by experienced senior executives and program managers within the Coast Guard, including through rotational assignments to the Department of Defense;

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisitions to enhance program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisitions efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

(3) REPORT BY COMPTROLLER GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the actions

taken by the Secretary to implement the requirements of this subsection, including the strategies that are required to be developed by this subsection.

SEC. 107. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

"§ 55. Chief Acquisition Officer

''(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—There shall be in the Coast Guard a Chief Acquisitions Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisitions Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

''(b) QUALIFICATIONS.—The Chief Acquisition Officer shall be a certified acquisition professional with a program manager level III certification and must have at least 10 years experience in an acquisition position.

''(c) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

''(1) monitoring the performance of programs on the basis of applicable performance measurements and advising the Commandant, through the Vice Commandant of the Coast Guard, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

''(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property or service procured;

''(3) making acquisition decisions in concurrence with the technical authority of the Coast Guard, as designated by the Commandant, and consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

''(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

''(5) making acquisition decisions consistent with all applicable laws and decision making procedures within the Coast Guard;

''(6) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

''(7) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional work force; and

''(8) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, 10 and 9703 of title 31—

''(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

''(C) reporting to the Commandant, through the Vice Commandant, on the progress made in improving acquisition management capability.''.

(b) APPLICATION OF QUALIFICATION REQUIREMENT.—Section 55(b) of title 46, United States Code, as amended by this section, shall apply beginning October 1, 2011.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''55. Chief Acquisition Officer.''.

(d) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Secretary shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 108. INTEGRATED DEEPWATER PROGRAM PLANS.

(a) IN GENERAL.—

(1) REVISED INTEGRATED DEEPWATER PROGRAM PLANS AND ACQUISITION PROGRAM.—The Secretary shall—

(A) revise and update the Integrated Deepwater Program's project management plan within 180 days after the date of enactment of this Act, in accordance with the requirements of subsection (d);

(B) issue new or updated acquisition plans and acquisition program baselines for each asset class under the Integrated Deepwater Program, in accordance with the requirements of subsection (e); and

(C) transmit copies thereof to the appropriate congressional committees.

(2) USE OF ALTERNATIVES ANALYSIS.—The Secretary shall base the revisions and plans on the February 2008 Integrated Deepwater System Alternatives Analysis prepared for the United States Coast Guard by an independent consulting organization.

(b) ALTERNATIVES ANALYSES.—

(1) IN GENERAL.—No acquisition of an experimental, technically immature, or first-in-class major asset may be made under the Integrated Deepwater Program unless an alternatives analysis was conducted for such asset during the concept and technology development phase. Such analyses shall be conducted by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise. Such alternatives analyses shall include—

(A) an examination of capability, interoperability, and other advantages and disadvantages;

(B) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(C) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(D) an assessment of technology risk and maturity;

(E) an evaluation of relevant safety and performance records;

(F) a calculation of costs, including life cycle costs;

(G) a business case of viable alternatives;

(H) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(I) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(J) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(K) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(L) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(M) such additional measures the Secretary determines to be necessary for appropriate evaluation of the asset.

(c) FUTURE REVISIONS.—The Secretary shall—

(1) notify each of the appropriate congressional committees whenever an alternatives analysis or revision of an alternatives analysis under the Integrated Deepwater Program are initiated under this title;

(2) transmit a copy of the Integrated Deepwater Program's project management plan, acquisition plans, or acquisition program baselines to each of the appropriate congressional committees whenever any such document is created or revised; and

(3) maintain a historical file containing, and make available to each of the appropriate congressional committees, upon request, copies of each version of those documents as they are revised.

(d) PROJECT MANAGEMENT PLAN.—The revised project management plan required by subsection (a)(1) shall include the following:

(1) An analysis and risk assessment of the technology risks and level of maturity for major technologies used on all classes of asset acquisitions under the Integrated Deepwater Program, including the National Security Cutter, fast response cutter, offshore patrol cutter, the vertical unmanned aerial vehicle, maritime patrol aircraft, HC–130J aircraft, and C4ISR systems.

(2) A description of how the Coast Guard plans to utilize arrangements with the Department of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program and to seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets.

(3) A life-cycle cost estimate for the Integrated Deepwater Program which shall include asset acquisition and logistics support decisions and planned operational tempo and locations.

(4) Any other information the Secretary deems necessary.

(e) ACQUISITION PROGRAM BASELINE.—

(1) IN GENERAL.—The new acquisition program baselines required by subsection (a)(1) shall include—

(A) a plan for the acquisition, and the schedule and costs for delivery of such acquisitions;

(B) a lifecycle cost estimate that includes asset acquisition and logistics support decisions and planned operational tempo and locations; and

(C) such other information as the Secretary deems necessary.

(2) OFFSHORE PATROL CUTTER.—When an acquisition program baseline is completed for the offshore patrol cutter following an alternatives analysis for that asset class, the acquisition program baseline shall include a detailed statement of the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter will be built to achieve. The offshore patrol cutter's acquisition program baseline shall be completed and transmitted to each of the appropriate congressional committees not less than 90 days before the Secretary issues a request for proposals for construction of an offshore patrol cutter.

SEC. 109. REPORTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Within 45 days after the end of each fiscal year, the Secretary shall

submit a comprehensive annual report on the progress of the Integrated Deepwater Program to the appropriate congressional committees.

(2) SCOPE.—At a minimum, the report shall include—

(A) an outline and description of all changes to the Integrated Deepwater Program's project management plan during the previous fiscal year;

(B) an outline and description of all changes to acquisition plans and acquisition program baselines for all Integrated Deepwater Program asset acquisitions during the previous fiscal year, including all updates to life cycle cost estimates, acquisition cost estimates, schedule changes, and changes in asset performance requirements;

(C) a summary of findings of all alternatives analyses completed or revised during the previous fiscal year under the Integrated Deepwater Program;

(D) an updated development schedule for each asset and asset class, including estimated annual costs until development is completed;

(E) an updated acquisition schedule for each asset and asset class, including estimated annual costs and units to be procured until acquisition is completed;

(F) an updated projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets;

(G) a breakdown of the percentage of the total amount of funds expended on acquisitions under the Integrated Deepwater Program during the previous fiscal year that has been paid to each of small businesses, socially and economically disadvantaged small business concerns eligible for assistance under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), minority-owned businesses, women-owned businesses, and service disabled veteran-owned businesses;

(H) information on the status of agreements and progress of other arrangements with the Department of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program required by section 110 of this Act and the updated project management plan as required by section 108(a) of this Act;

(I) an update on the Secretary's progress in meeting goals for the development of the acquisition program described in the Blueprint for Acquisition Reform, and required by this title, including staffing levels and professional development;

(J) a financial accounting of the Integrated Deepwater Program as of the end of the fiscal year, which shall include a balance sheet, statement of net cost, statement of changes in net position, and statement of budgetary resources of the Program;

(K) an update on the status of efforts to enhance the role of Coast Guard program managers in developing and carrying out acquisitions programs and efforts to promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(L) such additional information as the Secretary deems necessary for updating Congress on the progress of the Integrated Deepwater Program.

(b) COST OVERRUNS AND DELAYS.—

(1) IN GENERAL.—The Secretary shall submit a report to the appropriate congressional committees as soon as possible, but not later than 30 days, after the Deepwater Program Executive Officer becomes aware of the breach of an acquisition program baseline under the Integrated Deepwater Program by—

(A) a likely cost overrun greater than 8 percent of the acquisition program baseline total acquisition cost for that individual asset or a class of assets;

(B) a likely delay of more than 180 days in the delivery schedule for any individual asset or class of assets; or

(C) an anticipated failure for any individual asset or class of assets to satisfy any key performance threshold or parameter under the Integrated Deepwater Program acquisition program baseline.

(2) CONTENT.—The report submitted under paragraph (1) shall include

(A) a detailed description of the breach and an explanation of its cause;

(B) the projected impact to cost, schedule and performance;

(C) an updated total acquisition cost and the complete history of changes to the original cost estimate described in the plan submitted under section 108(e);

(D) the updated acquisition schedule and the complete history of changes to the original schedule described in the plan submitted under section 108(e);

(E) a full life-cycle cost analysis for the asset or class of assets;

(F) a remediation plan identifying corrective actions and any resulting issues or risks; and

(G) a description of how progress in the remediation plan will be measured and monitored.

(3) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the acquisition program baseline total acquisition cost for that individual asset or class of assets, the Secretary shall include in the report a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;

(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control costs, schedule, and performance.

(4) CERTIFIED ASSETS AND ASSET CLASSES.—If the Secretary certifies an asset or asset class under paragraph (3), the requirements of this sub-section shall be met based on the new estimates of cost and schedule contained in that certification.

(c) REPORT ON INTEGRATED DEEPWATER PROGRAM C4ISR.—

(1) INDEPENDENT ASSESSMENT.—Not later than 3 months after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study to assess the Coast Guard's Integrated Deepwater Program C4ISR systems and acquisition plans. This study shall include an examination of—

(A) the Coast Guard's current and planned Integrated Deepwater Program C4ISR capabilities and architecture;

(B) the adequacy of the Integrated Deepwater Program C4ISR acquisition's Information Technology requirements;

(C) whether the planned Integrated Deepwater Program C4ISR systems are sufficiently adaptable to meet the needs of the Coast Guard's mission requirements;

(D) whether the planned Integrated Deepwater Program C4ISR systems facilitate future upgrades as C4ISR technology advances; and

(E) the adequacy of the Coast Guard's organizational, personnel, and training systems for acquiring, utilizing, and sustaining Integrated Deepwater Program C4ISR systems.

(d) PATROL BOAT REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2009 through fiscal year 2015. The report shall include—

(1) a description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected;

(2) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and lost capabilities of the 110-foot cutters that have been converted;

(3) an analysis of factors affecting the mission performance gap that are unrelated to the Integrated Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages;

(4) an identification of assets that are being used or may be used to alleviate the annual readiness gap of lost time for such patrol boats, including any acquisition or lease considered and the reasons they were not pursued;

(5) in cases where Coast Guard assets are used more heavily to alleviate the readiness gap, an assessment of the estimated additional maintenance costs incurred and asset lifespan lost due to the increased use of such assets;

(6) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(7) a description of how extending through fiscal year 2015 the transfer agreement between the Coast Guard and the United States Navy for 3 Cyclone class 179-foot patrol coastal ships would affect the annual readiness gap of lost time for 110-foot patrol boats; and

(8) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2008 through 2015.

(e) ACQUISITIONS WORKFORCE REPORT.—Within 4 months after the date of enactment of this Act, the Secretary shall report on the development of the acquisitions office within the Coast Guard, describing the specific staffing structure for that directorate, including—

(1) identification of all acquisitions positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(2) a formal organizational chart and identification of when managerial positions are to be filled.

(f) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—Within 30 days after the elevation to the Chief Acquisition Officer of any design or other dispute regarding the Integrated Deepwater Program contract or an item to be acquired under that contract, the Secretary shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

(g) AMENDMENT OF 2006 ACT.—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

SEC. 110. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Secretary shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of acquisitions under the Integrated Deepwater Program. The Coast

Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Commands, with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The technical authority established under section 106(b) shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to approve all technical requirements.

(d) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the appropriate congressional committees that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage acquisitions under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

SEC. 111. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INTEGRATED DEEPWATER PROGRAM.—The term ''Integrated Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program. The Integrated Deepwater Program includes the procurement, development, production, sustainment, modification, conversion, and missionization of C4ISR and of cutter and aviation assets that operate more than 50 miles offshore.

(3) LIFE-CYCLE COST.—The term ''life-cycle cost'' means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 112. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY.

Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking '', repair or dismantle''; and

(2) by striking the semicolon and inserting '', or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;''.

TITLE II—SUBMERSIBLE VESSELS AND SEMI-SUBMERSIBLE VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Drug Trafficking Vessel Interdiction Act of 2008''.

Subtitle A—Criminal Prohibition

SEC. 211. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

SEC. 212. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2285. Operation of submersible vessel or semi-submersible vessel without nationality

''(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

''(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

''(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(2) flying its nation's ensign or flag; or

''(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(e) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

''(f) FEDERAL ACTIVITIES EXCEPTED.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

''(h) DEFINITIONS.—In this section, the terms 'submersible vessel', 'semi-submersible vessel', 'vessel of the United States', and 'vessel without nationality' have the meaning given those terms in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

''2285. Operation of submersible vessel or semi-submersible vessel without nationality.''.

SEC. 213. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessels or semi-submersible vessels described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant

violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Subtitle B—Civil Prohibition

SEC. 221. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''that''; and

(2) by striking ''States.'' and inserting ''States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.''.

SEC. 222. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

''(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) DEFENSES.—

''(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.

''(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than $1,000,000.''

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

''70508. Operation of submersible vessel or semi-submersible vessel without nationality.''.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting ''or 70508'' after ''70503''.

(3) Section 70505 of title 46, United States Code, is amended by striking ''this title'' and inserting ''this title, or against whom a civil enforcement proceeding is brought under section 70508,''.

SEC. 223. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

''(1) SEMI-SUBMERSIBLE VESSEL.—The term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

''(2) SUBMERSIBLE VESSEL.—The term 'submersible vessel' means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the pending bill.

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

There was no objection.

Mr. OBERSTAR. Mr. Speaker, this legislation in a previous form passed the House last year by a vote of 426–0. The Senate passed a comparable bill by unanimous consent. The bill before us is a bipartisan compromise between our Committee on Transportation and Infrastructure in the House and the Committee on Commerce, Science, & Transportation in the Senate.

It is a complicated piece of legislation that took a great deal of time to work out. The objective of this legislation is to reform the Coast Guard acquisition program.

□ 1115

Stories began creeping out of mistakes and cost overruns and serious problems within the Coast Guard's Deepwater Program. A closer look by our committee investigative staff found that there were serious flaws in the conduct of this program, and we began an extensive inquiry and investigation into those flaws and into the consequences thereof, the most serious of which was that the first article of the cutter extension program went to sea and cracked in three places, predicted to be problem areas by the chief naval architect of the Navy, in consultation to a whistleblower within the Deepwater Program.

I need not go back and unravel all of the details that led up to that. Suffice it to say that the core of the problem was a self-certification initiative undertaken by the Coast Guard at the direction of the Department of Homeland Security that led to serious flaws, not only in the program but in the construction of these vessels and the extension initiative. The result was that taxpayers have lost over $100 million, the Coast Guard has lost the service of some 49 cutters, and frankly, I think there should have been criminal investigations undertaken by the Justice Department of those engaged in these practices.

Thanks to the leadership of the gentleman from Maryland, the Chair of the Coast Guard Subcommittee, Mr. CUMMINGS, and the staff's relentless pursuit of the facts of the causes of the problems, we held a hearing that went till 11:30 at night, nearly 10 hours of investigative hearing, drew fact after fact out and established causality problems and led the way to solutions. It's not enough just to conduct oversight, to find the flaws, to find the problems; it's important to correct them.

And in that process, we had this blended participation with the gentleman from Ohio (Mr. LATOURETTE) who has proven himself to be a devotee of the Coast Guard and mastered the issues of the Coast Guard and of this particular contractual undertaking of the Coast Guard.

The result of those hearings was substantial reform of the Coast Guard's acquisition program. The details of the program I will call on the Chair of the subcommittee, the gentleman from Maryland (Mr. CUMMINGS), and ask him to explain the details and how we frankly intend and are going to cure this problem for the future.

It took a great deal of negotiation with the other body and with the Coast Guard to come to the resolution that we bring to the House today, and for that progress, I thank the gentleman from Ohio and the ranking member of the full committee, Mr. MICA, for their patience over many weeks of negotiating out these terms and conditions

that we bring to the House today to cure this program, save the taxpayers money, put the Coast Guard on a sound footing, and assure to the greatest extent that we can that these problems don't extend into the future.

Mr. Speaker, I rise in strong support of H.R. 6999, as amended, the ''Integrated Deepwater Program Reform Act of 2008''. I would like to congratulate the distinguished Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, as well as Ranking Member MICA and Subcommittee Ranking Member LATOURETTE for their work on this landmark acquisition reform bill.

Last year, the House passed H.R. 2722, the ''Integrated Deepwater Program Reform Act'', by a vote of 426–0. The Senate subsequently passed its Deepwater Reform bill, S. 924, by unanimous consent. H.R. 6999 is the bipartisan compromise agreement of these two bills of the Committee on Transportation and Infrastructure and the Committee on Commerce, Science, and Transportation of the Senate.

The Integrated Deepwater Acquisition Program is a $24 billion program to replace all Coast Guard aircraft and cutters that primarily operate more than 50 miles offshore. The Coast Guard has never attempted to replace its whole fleet under one long-term program. The Committee has conducted numerous oversight hearings on this program to understand why there have been cost-overruns and why the Coast Guard spent $100 million to renovate and replace eight of its 110-foot patrol boats—only to have these renovated boats tied to the dock as unseaworthy.

As I have said many times, if I were adrift in the ocean, there is no one I would want to save me but the U.S. Coast Guard. What they do at sea to save lives is second to none. However, when it comes to managing an acquisition program—the Coast Guard has serious challenges. Just because you can fly an aircraft or drive a cutter, doesn't mean you know how to manage an acquisition to buy that aircraft or cutter. As a result, the Coast Guard's acquisition programs are hundreds of millions of dollars over budget and years behind schedule—including the Deepwater Acquisition program and the Rescue–21 program to install new search and rescue communications systems.

In the past week, we have seen firsthand what happens on Wall Street when there is a lack of oversight, accountability, and standards. But Wall Street doesn't want to be regulated. Neither does the Coast Guard. The Coast Guard wants to have Congress continue to write the checks—while they say ''trust us'' to spend the taxpayers' money wisely. While I would trust them with my life at sea, I don't think we should continue to write blank checks without demanding standards and accountability.

H.R. 6999 reforms the Coast Guard acquisition program. Specifically, the bill:

terminates the use of lead systems integrators beginning on October 1, 2011;

requires that the Commandant, and not the contractor, retain the technical authority to determine when the contract specifications have been met;

requires Early Operational Assessments to be made for all aircraft and cutters after they are designed—but before they are built—to ensure that they will meet the mission requirements of the Coast Guard;

requires all new cutters and aircraft and their engines to be certified by an independent 3rd party to ensure they meet design and performance requirements;

requires the development of workforce policies to ensure that the best qualified individuals are assigned to the acquisition program;

requires the Commandant to establish career paths for military and civilian personnel who wish to pursue careers in acquisition programs;

requires the Commandant to establish a balanced workforce policy to promote a workforce in which women and members of racial and ethnic minorities are appropriately represented in Government service;

establishes a Chief Acquisition Officer for the Coast Guard. The CAO may be a civilian or military officer, but must have a level III acquisition program manager certificate and 10 years of experience in an acquisition position;

requires the Coast Guard to report to Congress when there are cost overruns or program delays; and

requires the Coast Guard to use the Department of Defense's contract management expertise and contracting, where appropriate, to obtain the best possible price for Coast Guard assets.

H.R. 6999, as amended, also contains a provision that makes it unlawful to operate a stateless submersible or submersible vessel on the high seas. Use of submarines has become a new trend with the international drug runners operating out of Columbia. When the Coast Guard interdicts these vessels the smugglers pull a lever to flood and sink the submarine—and then wait for the Coast Guard to ''rescue'' them. However, all of the drugs are on the bottom of the ocean and it makes a prosecution more difficult. So Coast Guard personnel are risking their lives to enter the sinking submarine to get some of the cocaine as evidence. H.R. 6999 will obviate the need to enter the submarine. The Coast Guard can arrest the smugglers and they can be prosecuted for operating these pirate submarines.

Mr. Speaker, this is a landmark bill that will significantly improve the management of the multi-billion dollar acquisition program of the Coast Guard. It is the direct result of the Committee's in-depth investigation of the Deepwater Program. Like H.R. 2722, it deserves the support of every Member of the House.

I strongly urge my colleagues to join me in supporting H.R. 6999, the ''Integrated Deepwater Program Reform Act of 2008''.

Finally, I insert in the CONGRESSIONAL RECORD an exchange of letters between Chairman BENNIE G. THOMPSON, Chairman of the Committee on Homeland Security, and me.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 26, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 6999, Integrated Deepwater Program Reform Act of 2008 introduced by Mr. Cummings on September 23, 2008.

H.R. 6999 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this bill to the full House expeditiously. Accordingly, I will not seek a sequential referral of the bill. However, this decision should not be construed as the Committee on Homeland Security waiving, altering, o diminishing its jurisdiction over this legislation.

Additionally, the Committee on Homeland Security reserves the right to seek the appointment of conferees during any House-Senate conference convned on this legislation or on provisions of this or a similar bill that are within the jurisdiction of the Committee on Homeland Security. I ask for your commitment to support any such request by the Committee on Homeland Security for the appointment of conferees on H.R. 6999 or similar legislation. Finally, I respectfully ask that you place a copy of your letter and this letter in the CONGRESSIONAL RECORD during floor consideration of H.R. 6999.

Thank you for your cooperation in this matter. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 26, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your September 26, 2008 letter regarding H.R. 6999, the ''Integrated Deepwater Program Reform Act of 2008''.

I agree that provisions in H.R. 6999 are of jurisdictional interest to the Committee on Homeland Security. I appreciate your willingness to waive rights to further consideration of H.R. 6999 to ensure the timely consideration of this legislation, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 6999 in the House.

I value your cooperation and look forward to working with you as we move ahead with this important Coast Guard legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

I now yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank our chairman for yielding and for all of his hard work and help in making this happen, this legislation happen today.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today to urge the adoption of the Integrated Deepwater Program Reform Act of 2008, H.R. 6999, as amended. As Chairman OBERSTAR has stated, this legislation is based on Deepwater reform legislation, H.R. 2722, which passed the House by a vote of 426–0 last year, and on S. 924, which passed the Senate by unanimous consent.

The manager's amendment amends the underlying bill by making it a crime to operate a submersible vehicle that is not registered in any country. Such vessels are often used to smuggle illegal drugs into the United States. In

fact, just this month the Coast Guard worked with the United States Navy to seize two such submersibles, carrying a combined total of 14 tons of cocaine.

As a representative of the City of Baltimore, I know that every gram of illegal drugs we keep off our Nation's streets is a gram that cannot destroy a life or a community. Therefore, as smugglers develop new ways to bring drugs to our shores, our laws must be updated to enable law enforcement personnel to prosecute these new types of crimes, and this bill does precisely that.

I recognize and I want to thank again Chairman OBERSTAR, chairman of our full committee, and also thank the vice chairman of our subcommittee, Mr. BISHOP, and Mr. TAYLOR for their hard work; and I give special thanks, too, to Mr. MICA, to Mr. LATOURETTE, our ranking member of our subcommittee; Chairman THOMPSON, the chairman of the Homeland Security Committee, and certainly Representative KING, who is the ranking member of Homeland Security; Senators INOUYE and HUTCHISON and Senator SNOW; and we want to give special thanks to Senator CANTWELL, who has worked very, very hard on this legislation.

Mr. Speaker, since my appointment in January 2007 as chairman of the Subcommittee on the Coast Guard, the subcommittee has exercised careful oversight over the Coast Guard's $24 billion, 25-year Deepwater procurements, through which the Coast Guard is replacing or rehabilitating its cutters and aircraft. Senator CANTWELL has been leading a similar aggressive oversight effort on the Senate side.

Unfortunately, many of the acquisitions conducted under Deepwater have miserably failed, including the nearly $100 million effort to lengthen the 110-foot patrol boats, which yielded eight unseaworthy vessels that have been removed from service.

The early Deepwater procurements failed because the Coast Guard did not have the systems and personnel necessary to manage large acquisitions. They failed because the Coast Guard left private sector contractors to police themselves. And they failed because Congress did not require of the Coast Guard full accountability for the billions, the billions of taxpayer dollars appropriated to support such acquisitions.

I'm very pleased that our committee and our subcommittee wrote H.R. 6999 to ensure that all Coast Guard acquisitions meet three key requirements. One, in basic contract law, that we get what we bargain for as a Nation. That we get what we bargain for. That was number one. Number two, that the equipment that we buy would enable the Coast Guard to fulfill its many missions to protect our homeland and to do all the other things that they have to do. And number three, and very interestingly, we wanted to make sure that the equipment that we were purchasing with taxpayers dollars could not bring harm to our very personnel. Those were the three principles that we wrote this legislation on, and I was glad to see that our subcommittee and our committee pretty much adopted them as we went through this legislation.

The Commandant of the Coast Guard, Admiral Thad Allen, has moved to strengthen the service's ability to manage acquisitions, including creating a new acquisitions directorate, and I applaud his efforts.

Under his leadership, the service has taken conditional delivery of the first National Security Cutter, the Bertholf. Having joined the Coast Guard in commissioning the Bertholf this summer, I know it is a fine ship, and it will greatly enhance the service's mission capabilities.

However, the Bertholf experienced significant cost overruns, and the Coast Guard continues to face procurement challenges and not only within Deepwater. For example, the Rescue 21 program, which is intended to upgrade the systems the Coast Guard utilizes to locate those who are distressed at sea, is now hundreds of millions of dollars over budget and years behind schedule.

American taxpayers, who are now being asked to rescue our financial system from the consequences of failed oversight, have already shouldered the burden for the Coast Guard's earlier failed procurements and for failed procurements throughout the Department of Homeland Security, which according to a tally compiled by the Homeland Security Committee have wasted approximately $15 billion.

As a representative elected by the citizens of Maryland's Seventh Congressional District and as subcommittee chairman, I believe that one of our most critical duties at this time is to implement every available measure to ensure that Federal agencies are effective and efficient stewards of the taxpayers' dollars. The legislation before us today implements such measures with regard to the United States Coast Guard.

Specifically, H.R. 6999 requires the Coast Guard to eliminate the use of all private-sector lead systems integrators by October 2011, the same date on which their use is phased out in the Department of Defense.

This bill creates in statute the position of Chief Acquisitions Officer. It requires that it be filled with a fully qualified individual who can, at the Commandant's choosing, be a civilian member of the senior executive service or a uniformed member of the Coast Guard but who must have Level III Acquisitions qualification and 10 years of experience managing acquisition efforts.

The bill requires independent, third-party certification of assets and requires that appropriate testing be performed on asset designs so that problems can be identified before construction of an asset begins.

It also requires a regular submission of acquisition program reviews to Congress, including notification of cost overruns and schedule delays, so that Congress is aware of emerging issues before they become crises.

In short, this bill brings commonsense oversight and management reform measures, many of them based on current practices within the DOD, to the Coast Guard. It also requires strict and appropriate accountability from the service and demands that it be an effective and efficient steward of our taxpayers' hard-earned dollars.

All of these measures are critical to ensure that through the remaining Deepwater procurements, the nearly 42,000 men and women, who I call our thin blue line at sea, will be equipped with state-of-the-art assets equal to the missions they perform and the challenges they will face in the 21st century.

I urge my colleagues to support H.R. 6999, and I thank the minority for their wonderful participation in making this happen. I thank all of those, our staffs, who have worked so hard to make this happen.

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

First, Mr. Speaker, let me tell you what a pleasure it is to see you on a Saturday morning, rather than Monday through Friday.

This is a good bill. It is an important bill. We have some reservations that I'm going to talk about in a moment, but I think the fact that you and I are here together with the full committee chairman and subcommittee chairman on a Saturday morning—and I've been advised we'll be here after 1 o'clock tomorrow afternoon on a Sunday, certainly a rare occurrence in the proceedings of the United States Congress. And I was just talking to my colleague, Mr. LUNGREN from California, and we wouldn't be here doing this important bill if we had permitted Secretary Paulson and some Members of the other body to perform the bum rush and get us to approve $700 billion of taxpayers' money to bail out people that made bad decisions on Wall Street.

□ 1130

So this is really what we call in Ohio a two-fer, in that we have the opportunity to continue to negotiate in a bipartisan way to attempt to resolve these differences. And, at least from my perspective, those differences need to be resolved, that those who created the mess should clean the mess up and private capital should recapitalize the markets rather than the taxpayer. So hopefully those discussions—you know, we're doing important work here today, but those are on a much higher level, I'm sure.

But, you know, the interesting thing, from just a political standpoint for me today, is there's a commercial running back in northern Ohio—where I happen to be from—condemning me for wanting to write a $700 billion check to Secretary Paulson in this matter. And

here, when I woke up this morning and I watched the news, the national media and the national Democratic Party is condemning me and my colleagues for standing in the way of giving $700 billion to the Treasury. So I'm really at a loss for how these things work.

But I am glad to be here on this bill. And I'm glad that we're here on a Saturday to get this bill done. I have run out of superlatives to talk about the chairman of the full committee, Mr. OBERSTAR, and I would add to that the chairman of the subcommittee, Mr. CUMMINGS. It is beyond a pleasure to work with these gentlemen.

And I think this piece of legislation is an example of why the Transportation and Infrastructure Committee is far and above better than any other committee in the United States Congress, because I don't love everything in this bill, I'm sure that the chairmen don't love every piece of this bill, but they have always and consistently approached negotiations on legislation in a way that I think that we would be better served if we practiced in all legislation, and that is, they have their ideas, and as the majority party they are certainly in the position to have more of their ideas than we're permitted to have our ideas, but they welcome our ideas.

And the negotiations on this bill not only began as the hearings that Mr. OBERSTAR detailed and Mr. CUMMINGS detailed, but we were negotiating this bill, this final product, just a couple days ago because they are still willing to listen to suggestions, and I think that that's a credit to the leadership of Mr. OBERSTAR and Mr. CUMMINGS. And if, in fact, more committees operated like that, we would be a better place.

As I indicated, Mr. Speaker, I support many of the provisions in this bill, H.R. 6999, the Integrated Deepwater Program Reform Act of 2008. This bill will make significant changes to the Coast Guard's Deepwater program and the way the Coast Guard oversees, manages and carries out the program as the service takes on the lead systems integrator responsibilities.

I do have some concerns, as I mentioned, relative to the requirement over the lead system integrator responsibilities being assumed by the Coast Guard within 180 days of enactment. But I'm going to tell you that that really was the last piece of our negotiations. And again, as for the chairman of the full committee and the chairman of the subcommittee, we could have gone to that meeting and they could have said, that's nice that you have concerns, but too bad. And they acquiesced in doubling that time from 90 days to 180 days, and I am more than grateful for that. With the help of Chairman OBERSTAR and Chairman CUMMINGS, H.R. 6999 will provide more time for the Coast Guard to build up its own staff, resources, and capabilities than was proposed under the Senate bill.

I fully support the inclusion of the language that would give the Coast Guard enhanced authorities to interdict stateless submersibles and semi-submersibles at sea. And a little bit later we're going to hear from our colleague from California (Mr. DANIEL E. LUNGREN) who has been a champion of this issue for a number of years.

In recent years, the Coast Guard has been highly successful in stopping the importation of drugs by sea. I think last year they had a record year. These successes have forced the drug cartels to look at better ways for them to avoid Coast Guard assets on their way to the United States.

Recently, the Coast Guard has witnessed a sudden and dramatic increase in the use of submersibles and semi-submersibles by would-be drug importers. This language will allow the Coast Guard to apprehend and prosecute these individuals without forcing Coast Guardsmen to risk their lives to pull out the bales of illegal drugs from a sinking submarine, as is the case now.

And that's a lot of fancy language, but basically, Mr. Speaker, what's going on is these drug dealers are towing submersibles behind boats that have no flag, that have no certification. And when the Coast Guard is about to close in, they pull the plugs, basically, sink the submarine to the bottom of the Earth, and the way that our laws are currently written is the only way you can prosecute these drug dealers that want to poison our society with cocaine and other drugs is for the Coast Guardsmen to jump on board the sinking submarine and try and pull out a little cocaine so that we can prosecute them. This language—and you will hear from some of the champions of this bill in a minute—is important, and I'm glad it's in the bill today.

Lastly, I do want to note that the Coast Guard has concerns that the independent review requirements may lead to increased costs and delays in the delivery of some deepwater assets. I know that we will continue to work with the majority to closely oversee the impacts of the bill on the Coast Guard and acquisitions as we move forward next year and beyond.

I support this bill and, with the comments that I've made, ask all Members to do the same.

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

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

I thank the gentleman for those very thoughtful comments.

I was listening with great interest as he moved from deepwater to deep finance and was worried that he was going to suggest that the powers on high give that problem to our committee. Well, we'll build a fence around it, we'll build a bridge over it, we'll build a tunnel through it, we will encapsulate it and subject it to the funding out of the highway trust fund and the problem will be behind us. I think in the end we would have a solution to that problem that everybody could sign onto, but that's not our domain.

And of course we both have reservations about the legislation before us in similar spirit, but I think we go forward with this legislation, hope that the other body moves it through without further—how shall I say? I'll be kind about it—without further changes, and that the bill will move on to enactment, and that someday soon the Lorain Shipyard will build vessels for the Coast Guard. It will be good for the Great Lakes, it will be good for Lorain, Ohio, it will be good for the gentleman from Ohio, and it will be good for the country.

The Lorain Shipyard is one of the great assets of this Nation, built extraordinarily successful vessels that are still plying the lakes today, the thousand-footers that carry iron ore from northern Minnesota in my district to the lower lake steel mills, and that have borne the brunt of the forces of nature on the Great Lakes. It was a great shipyard, I've been there several times. It built the *Mesabi Miner*, by the way, a thousand-footer that is still active, carrying 60,000 tons of iron ore. But, unfortunately, that vessel, if I may digress a moment, and others have had to go out 7,000 tons light because of the drought in the Great Lakes and the failure of the Corps of Engineers to dredge the harbors and the channels of the Great Lakes, meaning that our lakers have to travel three or four extra voyages a year to meet the tonnage requirements, raising the cost of tactonite, and therefore raising the cost of steel production in lower lake steel mills, and why passage of our Water Resources Development Act of last year and the veto override is so critically important and why funding of those projects is so critical. And I'm delighted that the stimulus legislation we passed yesterday has some $5 billion for the Corps of Engineers to undertake projects that can be underway within 90 days. And we all know very well that there are dredging projects all throughout the Great Lakes—and the lower lake harbors, particularly—that could benefit from that investment.

As Mr. CUMMINGS said moments ago, we didn't get here on our own. Our staffs on both sides of the aisle have worked rigorously in shaping in legislation and in laying the groundwork for the investigation. Clay Foushee, who led the investigative team on our side. And Lucinda Lessley, on Mr. CUMMINGS' committee staff, who championed both the oversight hearings and the legislative hearings. And our chief council on the Coast Guard Maritime Subcommittee, John Cullather—for my money, the finest mind in maritime legislation in the country. And John Rayfield, who is a storehouse of knowledge on the subject, and Eric Nagel on the minority side, all deserve our appreciation and gratitude for the many hours of labor invested in bringing us to this point of the legislation.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from California just to say that the chairman has hit the nail on the head when it comes to Great Lakes shipping. And he, again, deserves great credit for, after 7 years, moving the Water Resources Development Act.

And I would just add to that, the gentleman from Michigan sitting behind me and to my right, VERN EHLERS, and the chairman's work on the Great Lakes Legacy Act, which has the opportunity to clean up the contaminated hotspots within the Great Lakes. And as a result of that—and I'm not trying to be a pig about it or anything—but as a result of that, one of the first major cleanups was in the Ashtabula Harbor; $53 million, and the Ashtabula Harbor was dredged for the first time in over 35 years.

So when the chairman talks about shallow drafts and the cost that it increases to shipping and having to make three trips instead of one trip, the chairman is exactly right. And I look forward to continuing to work with him in a bipartisan way to move this along.

It is now my pleasure to yield 2 minutes to one of our experts on submersibles, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I feel like I am intruding on a legislative committee lovefest here, but I understand the camaraderie that surrounds your committee, and I appreciate the work that you are doing on this issue, particularly making sure that the Deepwater program works and works well.

I would just like to take a moment to comment on the portion of the legislation referred to earlier relating to the semi-submersible vessels. Language addressing this issue has passed this House on two occasions, in connection with the Coast Guard authorization, as well as a freestanding bill on suspension.

Congressman TED POE of Texas and I sought to enact criminal penalties for the use of these stateless vessels which, as you examine them, have no legitimate use other than to transport illegal vessels and perhaps other threats to our national security.

The only substantive difference in the language before us today is that it also includes a Senate provision which would provide the option of civil penalties of up to $1 million, which would give the Federal prosecutors additional flexibility to end this illicit commerce.

Let's understand what we're talking about. Self-propelled submersibles and semi-submersibles are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water, which makes them very difficult to detect. The self-propelled submersible and semi-submersible vessels are typically less than 100 feet in length, usually carry between five and six tons of illicit cargo. Now, we found that they carry drugs, guns and people, but we also should be concerned that they could potentially be vessels to carry weapons of mass destruction.

The range of these vessels is astonishing; it's sufficient to reach the southeastern United States from the north coast of South America without refueling. According to recent press reports, in order to cover even longer distances, some of these vessels have been caught while being towed by larger ships with the idea that they would be released for the final approach to the shores of California or off the northeast coast of the United States. In the last 2 weeks alone, the Coast Guard has seized two of these vessels carrying over 14 tons of cocaine. Now, to put that in perspective, the value of one of these loads was nearly $200 million.

Mr. Speaker, it's time to shut down these new seaborne threats to our Nation's communities and to our overall national security. And I would urge support of this bill for many reasons, but particularly for this as well.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the gentleman from Texas, a member of the subcommittee, Mr. POE.

□ 1145

Mr. POE. I want to thank the ranking member for yielding and thank the chairman for bringing this legislation to the floor, and also my good friend, the gentleman from California (Mr. LUNGREN) who has been helping relentlessly to get some legislation passed to stop this criminal endeavor into the United States.

Mr. Speaker, the drug dealers find new ways to bring this cancer, cocaine, into the United States. And now what they're doing in the hills and jungles of Colombia is they build these fiberglass boats, submarines, that are about 100-foot long that can bring in several hundred million dollars worth of cocaine into the United States. They float them down the river into the Pacific Ocean. Here is one of these vessels here. It is about 100 feet long. It's fiberglass.

These vessels can go all the way from Colombia to the United States without refueling. They are built with stealth technology so they're very difficult to find by our Navy and our Coast Guard. They go very slowly so they can't create a wake. And they bring this stuff into the United States.

The problem is that when our Navy and our Coast Guard find one of these ships on the high seas, these ships have no flag, they're not under any flag of any nation, the crew members on the ship, usually five to six members, will scuttle the submarine. It will sink to the bottom of the ocean, taking with it the cocaine. Then the five or six crew members that are on this submarine have to be rescued by our Navy and then taken back where they came from, usually Colombia or Guatemala or whatever nation they came from. And they can't be prosecuted because there is no crime of the high seas to have one of these in your possession.

And what this legislation does is basically says ''no more.'' You cannot be a crew member of one of these submersible subs and if you are captured, whether the boat is captured or not, you have committed a criminal offense, and now a civil penalty can be imposed on you as well. The Coast Guard tells us that at any given time, Mr. Speaker, there are 100 of these on the high seas working their way to the United States. And it doesn't take much common sense to realize that these same vessels that use and bring in cocaine can bring in other material into this country, things that will do us harm, like explosive devices. And they're so shallow they can go up our ports and our seaways and cause damage. So this legislation is important for two reasons. It is a national security issue. And second, it's a way of keeping that cancer, cocaine, out of the United States. I applaud this legislation to make it a criminal offense and a civil offense to be in possession of one of these subs on the high seas.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Texas as well as the gentleman from California.

At this time we are without additional speakers, and I would yield back the balance of my time and urge passage of the bill.

Mr. OBERSTAR. I yield myself the remaining time to thank the gentleman from California, my colleague in the informal Hip Replacement Caucus, for raising the issue of submersibles and for introducing the bill that he champions that we are happy to incorporate, and which is important to do in this legislation. Again I express my profound respect, appreciation and admiration to the gentleman from Maryland for his leadership of the Coast Guard subcommittee, the gentleman from Ohio for his superb management of the issues on the minority side of the committee on this issue and for the constant communication that we've had. As long as we keep the communications going, as we have done over these 2 years and over the previous years, we will do good work for the country and for the Congress.

With that, Mr. Speaker, I ask for a unanimous vote on this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6999, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

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

H.R. 2631. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.R. 2963. An act to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

H.R. 5350. An act to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes.

H.R. 5618. An act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

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

S. 906 An act to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1492. An act 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.

S. 1582. An act to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

S. 2913. An act to provide a limitation on judicial remedies in copyright infringement cases involving orphan works.

S. 3109. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

S. 3192. An act to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land.

S. 3477. An act to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

S. 3536. An act to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 496) ''An Act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.''.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6460) to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike section 3(f) and all that follows and insert the following:

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is amended—

(1) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2004 through 2010.''; and

(2) by adding at the end the following:

''(iii) ALLOCATION OF FUNDS.—Not more than 20 percent of the funds appropriated pursuant to clause (i) for a fiscal year may be used to carry out subparagraph (F).''.

(g) PUBLIC INFORMATION PROGRAM.—Section 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is amended by striking ''2008'' and inserting ''2010''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In addition to any amounts authorized under other provisions of law, there is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2004 through 2010.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 6460.

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

There was no objection.

Mr. OBERSTAR. Finally, we are here with essentially a conference report on the Great Lakes Legacy Reauthorization Act of 2008. This great and extraordinary body of water, the Great Lakes, represents one-fifth of all the fresh water, not frozen, on the face of the Earth and is a treasure for all of America, not just for the nearly 40 million people who reside on or near or within 100 miles of those Great Lakes. It's a treasure for all of America and for the world. It is our responsibility. And only us humans can protect that water.

Only Lake Baikal rivals the volume of water in Lake Superior. Lake Baikal is deeper. It's almost 1 mile deep, not as much surface, enormously deep water. Next is Lake Victoria in Africa. But all are standing in line in significance, in volume and in quality of water to the Great Lakes.

The gentleman from Michigan, for whom I have enormous admiration, Mr. EHLERS, has been a relentless champion since entering the service of Congress, bringing his splendid scientific mind to the challenges of the Great Lakes, of invasive species, of water quality, of bottom sediments in the 45 toxic hotspots of the Great Lakes, principally the harbors throughout the lakes, the need to study, to understand the causes, but then for the need to implement an action program to deal with this. It is not enough just to verify in scientific test tubes that pollution exists and invasive species are present, but to get to the causes and then to roll back that pollution, to roll back those invasive species and to prevent their further or future entry into this waterway.

The Great Lakes Legacy Act gives us the opportunity to do that. It is the culmination of a great deal of effort on both sides of the aisle in both bodies of the Congress.

I must stop for a reflective moment and go back to 1955 when my predecessor, John Blatnik, assumed the chairmanship of the Subcommittee on Rivers and Harbors. John Blatnik was also a scientist, a biochemist. He served in the OSS in World War II behind Nazi lines in northern Yugoslavia in what is Slovenia today, rescuing American airmen shot down on returning bombing runs over the Ploesti oil fields in Romania. And John Blatnik started his service as an educator in the Civilian Conservation Corps after graduating from college. There weren't any jobs. He became camp educational adviser in the Superior National Forest, later a chemistry teacher in our hometown of Chisholm, and then later, as I mentioned a moment ago, with the OSS and working with the junior chamber of commerce on resource use conservation.

When he came to Congress, he brought his scientific mind to bear on the problems of the country. And in 1955 he took the chairmanship of the Rivers and Harbors Subcommittee and traveled down the Mississippi River to understand the work of the Corps of Engineers. What became more important for him was to see, as he described it, the raw phenols, the raw sewage that came in to the Mississippi River from its tributaries and from the cities that lie along the banks of those 2,000 miles as the river courses from Upper Leech Lake down to the Gulf of Mexico. He said that by the time we got to New Orleans, there were raw phenols bubbling in the water. It was toxic. It was a soup of chemicals. And he realized that more important than the locks and the navigation channels was to clean up the Mississippi.

And then he turned his attention as well to the Great Lakes. These were

great reservoirs of clean water. And how could they be fouled? But by that time, the lamprey had invaded the Great Lakes. And in 1953, just 2 years before he took the chairmanship of that subcommittee, the lake trout population plummeted from 3.5 million pounds of catch a year to 350,000 pounds. The white fish population plummeted from 2.5 million pounds to 250,000 pounds in just 1 year because the lamprey exploded with violent force on the Great Lakes, this invasive species that came in the ballast water of vessels probably from the Black Sea into the fresh waters of the Great Lakes.

That led John Blatnik to launch legislation that he called the Federal Water Pollution Control Act of 1956, signed into law by President Eisenhower, with three key provisions that are still the core of the EPA program today, research to understand the causes of pollution, funding to help cities build sewage treatment facilities and enforcement program to bring communities and industries together to clean up where they failed to do so voluntarily.

A great deal of progress has been made since 1956. Since 1968 when the Cuyahoga River caught on fire and caught people's attention, from later that year in 1968 when great mounds of suds were floating down the Ohio River and endangering water quality of homeowners who would turn on their faucets and instead of getting clean water, they would get suds coming out. When just a little later, in 1969, Lake Erie was declared a dead lake, a dead sea it was called.

There were many proposals for how to do this. One hare-brained scheme was to punch a hole in the bottom of Lake Erie and let all the sediments drain down 2,000 feet into some underground aquifer, which of course Blatnik said was an absolute idiotic idea and would endanger far more than the Great Lakes. But steadily with the funding that was provided under the Federal Water Pollution Control Act and later the Clean Water Act of 1972, of which he was the principal author and I served on the staff at the time, cities along the Great Lakes invested some $10 billion, industry invested nearly $110 billion in cleanup, and the toxics that once flowed into the Great Lakes began to recede and Lake Erie began to regain its vibrancy step by step. And now we have a vibrant fishery. We have the same on Lakes Michigan, Ontario, Huron and Superior.

But the challenge is never over. Those toxic hotspots, those 45 areas of concern, still have to be dealt with. And the Great Lakes Legacy Act, which the gentleman from Michigan championed in 2002 which the House passed, the Senate passed and got enacted, set the stage for substantial investment that we included in our House-passed version, $150 million a year through 2013.

Regrettably, when this measure got over to the Senate, as so often happens in the other body, one person can shut down the Senate and can shut down the country. In this case one objection held up Senate action on the bill until funding for the program was cut. I'm just so disappointed and so anguished over the failure of the Senate to provide the funding. They didn't change anything else in the bill, just implementing it, just funding it. That is cutting out the heart. That's all right.

□ 1200

Congress survives. We will come back next year. There will be a different spirit in the White House, a different spirit in the Congress. We will fix that. We will provide funding in years to come. For now, it is important to move ahead with this excellent piece of legislation, which will help us move further ahead, laying the groundwork for creating the framework within which we can undertake cleanup in those areas of concern.

I want to thank the gentleman from Arkansas, the ranking member of the Water Resources Subcommittee, for his attention to detail. He has really lent his best efforts to understanding the broad problems of water quality, water resource development issues, the programs of the Corps of Engineers, and I greatly appreciate his thoughtful, scholarly consideration. And, of course, our Chair of the subcommittee, the gentlewoman from Texas, EDDIE BERNICE JOHNSON, who has really been vigorous in her pursuit of the water resources issues under the jurisdiction of the committee.

I reserve the balance of my time.

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

Mr. Speaker, I want to first commend our colleague from Michigan, Dr. EHLERS, for his years of work with stakeholders from the Great Lakes to advance the Great Lakes Legacy Act. The Great Lakes are a vital resource for both the United States and Canada. The Great Lakes system provides a waterway to move goods, a water supply for drinking, industrial and agricultural purposes, a source of hydroelectric power, and swimming and other recreational activities.

But the industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. Although safe for drinking and swimming, in many places fish caught from the Great Lakes are not safe to eat. Lake sediments contaminated from the history of industrialization and development in the region are one of the primary causes of the problem.

By treaty, the United States and Canada are developing cleanup plans for the Great Lakes and for specific areas of concern. The Great Lakes Legacy, Act passed in 2002, has helped citizens restore the water quality of the Great Lakes by taking action to manage and clean up contaminated sediments and to prevent further contamination.

The Great Lakes Legacy Act authorized the Environmental Protection Agency, the EPA, to carry out qualified sediment remediation projects and conduct research and development of innovative approaches and techniques for the remediation of contaminated sediment in the Great Lakes. Legacy Act funding must be matched with at least a 35 percent non-Federal share, encouraging local investment. By encouraging cooperative efforts with State and local governments and through public-private partnerships, the Great Lakes Legacy Act has provided a better way to address the problem of contaminated sediments.

The Great Lakes Legacy Act does not try to presume any particular type of cleanup option. Rather, it simply encourages stakeholders to take action and make sure that the action they take will make a real improvement to human health and the environment. The Great Lakes Legacy Act reflects a consensus approach to addressing sediment contamination, and it is strongly supported by both environmental groups and business groups in the Great Lakes region.

The House passed H.R. 6460 earlier this month, and now the Senate has returned it to us in modified form. As the authorization for the Great Lakes Legacy Act expires this year, it is important that we move this legislation today. It is a compromise bill that keeps this important program working.

The earlier House-passed version would triple the authorization level by raising it to $150 million per year. I am pleased to see a more realistic spending level associated with the bill before us today. This current bill maintains the authorization level in existing law. The act is being funded at a level between $22 million and $35 million per year, still far short of the existing $50 million annual authorization level.

While we might like to see more money invested in cleaning up the Great Lakes, it is hard to justify tripling the authorization when Congress has not been willing to appropriate anything close to its current authorization levels. Again, I think that this is something that we need to work on to get the authorization level met by our appropriators.

I remain skeptical of including habitat restoration as one of the authorized purposes for the funds. By expanding this program to cover other purposes, there will be less money for the act's primary purpose of getting pollution out of the water. Nevertheless, by all means, the Great Lakes Legacy Act has been a successful program, and I support its reauthorization.

I want to congratulate Dr. EHLERS for his hard work in bringing the legislation to the floor. He has been a tireless champion for the Great Lakes.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no other speakers at this time, and I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the

gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding. I appreciate his comments. I especially appreciate his support of this bill. I also commend the gentleman from Minnesota for his thorough discussion of the history of the Great Lakes pollution problems and the solutions that we have developed. I certainly appreciate his support for this bill.

I rise today in strong support of the reauthorization of one of, if not the most, effective Federal environmental cleanup programs ever developed. Those are not my words, those are the words I have heard from many individuals about the Great Lakes Legacy Act which we put in effect a few years ago. This bill today will continue that act.

In 2002, I authored the original Great Lakes Legacy Act, which was passed into law with broad bipartisan support. The Great Lakes Legacy Act provides Federal funding to clean up contaminated sediments in the tributaries of our Great Lakes. These contaminated sediments are a legacy of our industrial past, and the longer we wait to clean them up, the greater the likelihood that they will be transported into the open waters of the Great Lakes, where cleanup is virtually impossible.

Just to give one example, the city of Kalamazoo, Michigan, has been renowned for years for the paper plants which developed high quality paper using the forests of Michigan. When PCBs were discovered, that seemed like an ideal thing to include in the composition of the coatings on the paper. No one realized their poisonous, toxic nature, and today the Kalamazoo River bottom is littered with remnants of that time with considerable amounts of PCBs.

Earlier this year, Congressman OBERSTAR and I introduced H.R. 6460 to reauthorize and expand the Great Lakes Legacy Act. In addition to making a number of improvements to the original law, our bill also dramatically increased the authorization for Great Lakes cleanup from $50 million per year to $150 million per year. If fully appropriated, this funding level has the potential to clean up all of the known toxic hot spots within 10 years, which will save a considerable amount of money over the cost which will be incurred if we do not clean it up and those toxic materials get into the Great Lakes.

On September 18, the House passed the Great Lakes Legacy Act by an overwhelming majority of 371–20. Unfortunately, the Senate was unable to overcome the objections of a few Senators who did not appreciate the necessity to authorize enough money to clean up all of the contaminated sediments within the next decade. Because the Legacy Act expires on September 30th, which is rapidly approaching, supporters in the Senate, most notably Senator LEVIN and Senator VOINOVICH, worked hard to draft a compromise amendment that ensures this vital cleanup program continues.

The Senate approved the amended Legacy Act by unanimous consent on September 25. That is the bill which is before us. It is not what I had hoped to have. It is not what I think we should have. But the Senate amendment, although it decreases the $150 million per year authorization, does continue the current $50 million per year authorization, plus $4 million per year for ancillary activities.

The amendment also decreases the authorization from 5 years to 2 years. This is not because we want to shorten the period of time this bill is in effect, but because the Senators wanted to reintroduce the bill with us next year and put in place a longer bill with greater authorization.

Although I am disappointed that this funding authority has been decreased, I am pleased with for the broad support this program has garnered. Congressman OBERSTAR has mentioned some of that broad support. I especially appreciate the commitment of Chairman OBERSTAR to revisit this authorization in the 111th Congress.

I once again want to thank Chairman OBERSTAR, Chairwoman JOHNSON, and especially Ranking Members MICA and BOOZMAN for their hard work and for moving this bill so expeditiously. It is not always easy for individuals from other parts of the country to appreciate the importance of the Great Lakes and the importance of cleaning up the toxic materials. I personally want to thank Chairman BOOZMAN for his very diligent work in examining this issue, fully understanding it, and getting the bill through the process.

I also want to thank all the members of the Great Lakes Task Force, and there are many, who have joined in cosponsoring this particular bill.

I ask my colleagues to once again join me in supporting H.R. 6460. Let's immediately get this bill on the President's desk for his signature, so that this important work can continue unabated.

Mr. BOOZMAN. I have another speaker, Mr. Chairman.

Mr. OBERSTAR. We have no further speakers on our side. I welcome the gentleman to recognize other speakers.

The SPEAKER pro tempore (Mr. ALTMIRE). The Chair recognizes the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. Speaker. I am from Arkansas, and because of people like Dr. EHLERS' hard work, because of our chairman Mr. OBERSTAR's hard work, they really have educated us to help us understand the importance of this body of water. So I commend you all for your due diligence in that regard.

I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank my colleague, Mr. BOOZMAN, who helped bring this bill forward and has developed an expertise on Great Lakes harbors, and then our leaders on these issues, the chairman of the Transportation Committee, Mr. OBERSTAR.

We all should tell many of our fellow colleagues who don't represent the Great Lakes that quite obviously our region is studded with industrial cities which helped build the United States. But as our economy changed, many of these communities were left with bankrupt hulks occupying much of the most valuable resources and real estate in America.

In 2001, I joined with Chairman EHLERS to begin this new program, the Great Lakes Legacy Act. This program was designed to clean up these Midwestern harbors, like Waukegan, Illinois, that suffered from George Soros' Outboard Marine Corp that polluted our harbor before Soros then looted and bankrupt the company.

The funding for this program also resulted from a unique story. Congressman RAHM EMANUEL and I, as newer Members of Congress, were invited by the President of the United States on Air Force One. We decided jointly that in the corridor of that aircraft we would buttonhole the President, and me, somewhat more softly, and RAHM, somewhat more forcefully, urged the President to support the Great Lakes Legacy Act. Finally, the President relented and said, Okay, MARK, RAHM, I get it. Clean up Great Lakes harbors. So appropriations were found, even in the President's budget.

This program now has cleaned up five areas of concern, with 31 to go. The success of cleaning up harbors no longer can be doubted, especially in my area, because we are all now seeing what is happening in Kenosha and Racine, Wisconsin, recognized now as tremendous economic successes.

□ 1215

When we clean up Waukegan Harbor, in all likelihood, probably using a more traditional Superfund authority, we expect to see an $800 million economic boom in eastern Lake County.

Now Chairman OBERSTAR and Ranking Member BOOZMAN have rightly backed this bill, which underscores a key point that environmental cleanup and economic development go hand in hand in the Great Lakes. We did run into a snag in the Senate, Senator COBURN, who set certain conditions on the passage of this bill.

I wish they could have visited some of these communities. I wish he could have seen how much economic development has already been fostered. I wish he could have seen the new entrepreneurs and businesses created. But, for now, here in the House, we rightly join together as Republicans and Democrats to build a success upon a success to keep this program on track.

I thank the authors of this legislation and commend their work and urge their quick adoption of this legislation.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time. I am prepared to close if the gentleman is prepared to close on his side.

Mr. BOOZMAN. I want to thank Mr. OBERSTAR for his leadership, Dr. EHLERS for his years and years of being so aggressive and bringing this before Congress. This is an important bill. It's something that we very much support.

Also, I appreciate Mr. MICA's hard work in this area and, of course, the chairlady of our subcommittee, EDDIE BERNICE JOHNSON and her staff, for all of their hard work, and then my staff. I look forward to working with Mr. OBERSTAR and EDDIE BERNICE in the sense of trying to get our appropriators working with them.

Mr. Speaker, we do have an authorization level that we haven't been able to meet thus far. I hope that we can work with them in the rest of this Congress and certainly the next Congress to get that level up to the maximum that we can with what we have dealt with.

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

Mr. OBERSTAR. Again, I want to express great appreciation to our colleagues on the committee on the Republican side who have worked without party barriers or banners to deal with a common issue of importance to all of us on the Great Lakes, and that is to address these issues, these areas of concern.

I also want to express great appreciation to Senators LEVIN and VOINOVICH, GEORGE VOINOVICH of Ohio, CARL LEVIN of Michigan, who both have been champions for the Great Lakes. I have known both men for many, many years, Senator VOINOVICH, particularly, going back to his years as mayor of Cleveland and Governor of Ohio. We worked together on so many issues.

We worked on economic development of the Great Lakes, water quality, trade between Canada and the United States, on the Asian carp issue, supporting funding for the barrier to the Chicago rivers, to prevent the Asian carp from getting into the Great Lakes; and then the second barrier that is authorized in the Water Resources Development Act south of the Twin Cities, to prevent Asian carp from going up the Mississippi into the inland waters of the State of Minnesota and into the upper Midwest. While there is occasionally obstruction from the other body, there are people of goodwill, good intentions and good bipartisan spirit who deserve recognition.

In the Duluth Harbor, with the Corps of Engineers and the EPA, we have had a remarkable success story in dredging bottom sediments with suction dredging and other technologies that avoid reintroduction into the water column of the removal of bottom sediments and putting them into a contained disposal facility. The Erie Pier in the Duluth-Superior Harbor has maybe 2 million cubic feet of bottom sediments that have been dredged from the harbor, deposited in the facility, with the sand filtration barrier that has allowed the water to filter back into the lake relatively clean, not quite drinkable, but without the toxics, without the PCBs, without the mercury and cadmium and lead and other toxic metals that have been found in those bottom sediments.

What the Corps learned in this project was that the most complicated issue is that of grease, fuel oil, gasoline, other hydrocarbons that mix with the sand and the clay in the harbor bottom and become extremely difficult to extract in the cleanup process.

Attacking that issue, this is a typical issue, we had a steel mill in Duluth for nearly 100 years. Its discharges went into the harbor, and that's typical of many communities along the lower lakes that have to deal with these problems of bottom sediments. We learned a great deal from Duluth. We now need to apply those lessons to the other harbors on the Great Lakes.

It's somewhat of an embarrassment to us in the United States that Canada has cleaned up two of its three principal areas of concern and we have not done as well in the United States. This legislation sets the framework for us to move in that direction, $150 million would have provided the funding we need to go in that direction, but we will deal with that in the next Congress.

Again, I thank all who have participated. I am pleased that the gentleman from Illinois mentioned Mr. EMANUEL from Chicago. RAHM EMANUEL has certainly been a champion on the issue on our side as well, along with a great list of Members.

Mr. Speaker, I yield back the balance of my time and ask for a unanimous vote in support of the Great Lakes Legacy Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6460.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6707) to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6707

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 ''Taking Responsible Action for Community Safety Act''.

SEC. 2. EFFECT OF MERGERS ON LOCAL COMMUNITIES AND RAIL PASSENGER TRANSPORTATION.

Section 11324 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the last sentence and inserting ''The Board shall hold public hearings on the proposed transaction, including public hearings in the affected communities, unless the Board determines that public hearings are not necessary in the public interest.'';

(2) in subsection (b)—

(A) by striking ''which involves the merger or control of at least two Class I railroads,'' and inserting ''with respect to a transaction that involves at least one Class I railroad,'';

(B) by inserting ''the effect on the public interest, including'' after ''the Board shall consider'';

(C) in paragraph (2), by striking ''on the public interest'';

(D) by striking ''and'' at the end of paragraph (4);

(E) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

''(6) the safety and environmental effects of the proposed transaction, including the effects on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts; and

''(7) the effect of the proposed transaction on intercity rail passenger transportation and commuter rail passenger transportation, as defined by section 24102 of this title.'';

(3) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g) and inserting a new subsection (c) as follows:

''(c) The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board shall not approve a transaction described in subsection (b) if it finds that the transaction's impacts on safety and on all affected communities, as defined under subsection (b), outweigh the transportation benefits of the transaction. The Board may impose conditions governing a transaction under this section, including conditions to mitigate the effects of the transaction on local communities.'';

(4) in subsection (d), as redesignated, by striking ''The Board shall approve'' and all that follows through ''the transaction, including'' and inserting ''The conditions the Board may impose under this section include''; and

(5) in subsection (e), as redesignated, by striking ''the merger or control of at least two Class I railroads, as defined by the Board'' and inserting ''a transaction described in subsection (b)''.

SEC. 3. EFFECTIVE DATE.

The amendments made in this Act shall be applied to all transactions that have not been approved by the Board as of August 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6707, as amended.

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

There was no objection.

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

This bill before us arises out of longstanding concerns of communities along the routes of the Nation's freight rail system, particularly in cases where there is dramatic change, where a merger has occurred or is about to occur, and the result of which will be to change their quality of life.

The period of the Interstate Commerce Commission, from the 1880s until the Staggers Act of 1980, was a period of regulation necessary in the public interest but of increasing burdensome regulation that inhibited the productivity of the Nation's railroads. Many would argue that the result of deregulation was too little representation of the public interest in our freight rail system.

There are so many instances where the freight railroads have dismissed or been dismissive of or not paid sufficient attention to the concerns of communities and people that live along the railroad, the tracks that go through their cities and by their homes. There are, of course, those cases where some railroads have been very attentive and very responsive.

But the core problem is that of the Surface Transportation Board. As we looked into the issues of concerns raised by many communities along class 2 or class 3 railroads, who are about to be absorbed into a larger class 1 railroad, I find questions of the actions of the Surface Transportation Board defending the public interest.

This bill will assure that the Surface Transportation Board will have the legal authority and policy direction it needs to deal with mergers, which have potential to cause serious safety, environmental and other quality-of-life problems for the people in the communities along the route of the proposed merger.

The bill does not require the STB, Surface Transportation Board, to approve or disapprove any particular merger. It is not merger specific. It seeks only to ensure that when the STB considers mergers, it will have the authority to disapprove any merger in which the benefits from the merger are outweighed by the adverse effects on communities or safety.

It will vest in the board authority and give the board direction to fully evaluate rate crossing safety, hazardous materials transportation safety, public safety, noise, job losses, adverse economic impact. It will also, and our anticipation is, that the board will fully evaluate the benefits of a merger. There are clearly, in most of these mergers, benefits for one community that unfortunately are accompanied by adverse effects on other communities, or at least perceived adverse effects.

Now, the problem that we found in the course of the hearing and in evaluating issues leading up to the hearing in the Committee on Transportation and Infrastructure is that the action of the board in dealing with mergers of two class 1 railroads are different authorities than are available to the board in evaluating the proposed merger of a class 1 and a class 2 or class 3 railroad.

This legislation will assure or make it clear that the board has the same authority to deal with mergers of class 1 with class 2 and class 3 railroads as it does in mergers of class 1 to other class 1 railroads.

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

□ 1230

Mr. SHUSTER. Mr. Speaker, I rise in opposition to this bill, and I yield myself such time as I may consume.

I am very, very disappointed to be here today speaking on this bill. The TRACS Act is much too controversial to be considered under suspension. I wrongly believed that we had an understanding with the majority that we would continue to work in a bipartisan manner to improve this bill before we brought it to the floor. That is very unlike, very uncharacteristic of the T&I Committee. We did have one hearing. We had no subcommittee hearings. As I said, that is not characteristic of the Transportation Committee and how it works. So it is disappointing to me to bring this bill here under those circumstances.

I oppose H.R. 6707 because I am concerned that changing the Surface Transportation Board's merger and acquisition review process could have unintended consequences of hampering the growth of our Nation's railroad industry. I know that the folks who serve on the committee know how important it is that we expand the capacity of the railroad industry in this country.

One of the ways to do that is through mergers and acquisitions. It is an important part of how the industry has to grow and needs to grow because it allows railroads to invest in underutilized trackage around the country.

Some on the other side have complained that the class 1 railroads have given up track around the country. I believe they have, and they did it because they were not profitable. But here we have a situation where they are trying to use trackage that will be important to increasing capacity in this country.

This bill is likely to have a chilling effect on rail transactions. We are living in an increasingly difficult economic climate, and the last think that we want to do is discourage investment that will improve capacity, and especially in Chicago. Anybody that ships across this country knows that Chicago is the most congested area in the country. It is a bottleneck and it is not only a bottleneck in the upper Midwest, it is a bottleneck to the entire system because so much of our freight goes through Chicago.

The port of Seattle, 70 percent of what comes into the port of Seattle flows through to Chicago. So I think Americans need to realize how important Chicago is to the shipment of goods in this country.

In the next 20 to 25 years, we expect rail demand to increase 90 percent over today's level, and the industry will need to invest $135 billion in infrastructure just to keep pace with this unprecedented growth. We cannot afford to discourage this investment, and I believe the TRACS Act will do just that.

It is also very troubling that this legislation will be retroactive because we are creating a new standard of review for deals reached years ago. This type of retroactive congressional action can, and I believe will, undermine confidence in our regulatory system and deserves much more scrutiny than we have given it.

This bill was introduced to kill a single merger, and this has generated significant controversy in the Chicago area, which as I said, is one of the most congested areas in the country. But it will also affect, I believe, all future rail mergers in this country.

I am unconvinced that this bill will even accomplish the goals of the Chicago community, to stop CN purchasing the EJ&E line. I understand that CN will spend an astounding $25 million to review the environmental impacts of their acquisition of the EJ&E line. They are offering at least $40 million to offset negative impacts of an increase in train traffic in that area and on that line.

But there is nothing in the bill that would prevent the current owner, EJ&E, from running additional trains over those tracks. If the CN deal falls through, the increase in traffic may very well happen. And the $40 million that CN is offering to mitigate the effects, will be off the table. If that turns out, that the $45 million is off the table, that CN is not going to put that the money into the deal, it would be very troubling for those communities.

But the STB today has the authority to increase from $40 million to $45 million, to mitigate those problems that they believe will occur. But if it goes too high, it also likely will kill the deal.

I am sympathetic to the needs of the communities that are affected by the deal. There are two sides, and I am sorry that we haven't heard much more from the communities that will be affected in a positive way. We hear from the suburbs, the wealthy and upper middle-class suburbs of Chicago that are fighting this, but we haven't heard from the inner city of Chicago where low-income folks will see train traffic decrease so they won't have to deal with the freight trains as much as they do today.

I am not in a position to judge whether this transaction should go forward. That is not Congress's job. It is the STB's job. The STB was not brought into this process in drafting the bill. The chairman of the STB and his staff have warned of serious concerns about the affects of this. We need

more involvement and input from the STB before we change the rules of the game.

Again, I am very disappointed we are here today. I hope we can defeat this and go back to committee and produce a bill that has broad, bipartisan agreement.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

I want to remind the gentleman that we incorporated all of the requests of the minority as we moved to create the manager's amendment to the bill, including spelling out what benefits should be considered, along with adverse impacts. We announced the hearing and invited all parties to the merger referenced by the gentleman, and welcomed all communities to participate in the hearing. Those who chose not to did so of their own accord. They were not excluded. We had a very extensive hearing in which all were welcome to participate in, and we explored fully all of the issues involved in this issue.

Now I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the chairman for yielding and for his leadership on this important bill. I rise in strong support of H.R. 6707, the Taking Responsible Action for Community Safety Act.

I got involved in reviewing the STB's mission and decision-making process because of a proposed local transaction that would have negatively impacted communities in my district, across suburban Illinois, Indiana and other parts of the country. However, unless the STB review is clarified, communities and districts across the country could face similar challenges.

The current process has historically put the interests of industry over those of American families and taxpayers. This doesn't have to be the case. As noted by the board's most recent decision, the STB has the ability to deny an acquisition and/or mitigate on environmental grounds.

The TRACS Act clarifies their obligation as a Federal agency to protect the interests of those taxpayers who fund them. This bill will clearly require that public impact concerns are given equal consideration to those of commerce. And while the impacts on a local shipper may be important, they shouldn't outweigh the impact on communities and the citizens who live there.

The STB would be required to consider public impact on communities, including public safety, grade crossing safety, hazardous materials transportation, emergency response, noise pollution, socioeconomic impacts, and commuter rail. After review, if the adverse impacts on communities are significant or outweigh the potential benefits to commerce, then the STB would be required to disapprove or mitigate accordingly.

This is not about a particular transaction. And contrary to concerns expressed by some, it should not have a chilling effect on the ability to increase necessary rail capacity across this country. It also shouldn't adversely affect traditional rail mergers or acquisitions which don't significantly change traffic levels or community impact and are only changing a parent company.

But in those rare cases where there are drastic increases in freight traffic that can have negative impacts, the TRACS Act is a commonsense clarification to ensure the STB's balanced consideration of the railroad's commercial goals with the communities and American taxpayers whom we serve.

I urge my colleagues to support the bill.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD of Kentucky. Mr. Speaker, Chairman OBERSTAR has been a great leader in the transportation issues of our country, and certainly one of the leaders in rail transportation policy, but I would just like to say on this bill that one of the goals of the rail transportation policy of the United States is to ensure the development of a sound rail system to meet the needs of shippers and the consuming public.

I am genuinely concerned that H.R. 6707 may actually have an adverse impact on our rail system, particularly as it relates to rural communities. In rural areas of our country, at one time we had strong railroad service which contributed a great deal to the economic development in rural America. I am very much concerned that this legislation, while it has every good intention of protecting local communities, will actually be a chill to continued rail service in a lot of small communities.

The Rail Transportation Safety Board already is required to look, on rail mergers and acquisitions, to look at the public interest standard and must evaluate that. I am just concerned that this additional requirement will really be a chilling effect and will adversely impact rail service in rural America which will have an adverse impact on all of us, particularly at this time when energy prices, being as high as they are, we know that we can transport goods by rail cheaper which makes us more competitive in the global marketplace. For that reason, I would respectfully oppose this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the Chair of the water resources appropriations subcommittee.

Mr. VISCLOSKY. I thank the chairman for yielding, and I truly want to thank Mr. OBERSTAR for his leadership and for what he is trying to do today.

What I would like to do with my time is first of all to respond to a couple of the observations made by my good friend from Pennsylvania on this legislation.

I would agree, I believe the chairman would agree, that the industry has to continue to evolve. It has to continue to grow. But today, the industry is here and the people of the United States are here. What Mr. OBERSTAR, what the chairman is trying to do is to make sure as the industry evolves and becomes more efficient and more profitable, which we all want, that people are considered equally.

Secondly, he mentions that this is simply a fight about one transaction and one community, the City of Chicago. He is incorrect in his assertion. The fact is there is a transaction pending. It highlights the need for this legislation. While he suggests the congestion of Chicago, I would point out that every one of those trains in Chicago happens to go through Lake and Porter counties, Indiana, which I represent.

The gentleman also suggested that there might be some costs attached to the industry if this act passed, $25 million here, $40 million here. The fact is we voted in this Chamber to the auto industry $25 billion. We voted within the week to give the battery industry a couple of billion dollars. People are tripping over themselves in this place, tripping over themselves in this place, to give millions of brokers and bankers $700 billion. What about people? What about the people of this country? That's what Mr. OBERSTAR is trying to say, instead of the railroads and the people, let's have some equity as far as these future considerations.

I would simply point out this is somewhat personal to me. In 1977, my mother was hit by a train. She survived the experience. But more pertinent to this debate, the Surface Transportation Board indicated that railroads historically have not paid more than a small share for grade separation.

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

Mr. OBERSTAR. I yield an additional minute.

Mr. VISCLOSKY. Five to 10 percent of grade separation because grade separations, and this is the STB, primarily benefit the community and not the railroad.

Well, in northwest Indiana on July 8, three people died in a crossing accident in Gary, Indiana. On July 25, in northwest Indiana in the community of Griffith, there was a rail accident where three additional people were injured. In Portage, Indiana, this month, on September 3, another woman was killed in Porter County. There is one person getting killed at a train accident in the 1st Congressional District every 21 days since July 8.

I support the chairman's legislation that says let's think about people for a change. Let's have some equity in this so that people and communities are protected, just like the railroads are.

[From the Northwest Indiana and Illinois Times, July 8, 2008]

THREE DEAD IN CAR-TRAIN CRASH

(By Dan Hinkel)

GARY.—Three people died when a freight train blasted through a car that drove around crossing gates Monday afternoon in Gary's Miller neighborhood, police said.

The victims were Marvin Alvarez, 20, of Gary, and Nicole Thomas, 21, and Rosie Godines, 18, both of Hobart, according to a spokeswoman from the Lake County coroner's office.

The busy scene at Miller Avenue and Lake Street devolved into turmoil in the hours following the 5 p.m. wreck. Irate mourners scuffled with police officers and attacked cameramen from television news crews. An officer appeared to fire a Taser on a sobbing, shrieking man who joined a group of people fighting with a man who appeared to be a police detective.

All three died at the scene after the southbound Ford Taurus pulled around the gates into an eastbound CSX train's path, police said. None of the victims wore seat belts, and two of them were thrown from the car, said Gary police Cpl. Agnes Roberts. The bodies were covered with sheets near the car as firefighters cut the third body from the vehicle's wreckage in front of witnesses and bystanders gathered along the commercial strip.

''I still can't believe it and I'm standing right here looking,'' said Sandra Mays, of Gary.

Mays drove the first northbound vehicle in line behind the gates before the wreck. She was prepared for a long wait before the Taurus came ''out of nowhere'' around the gates, Mays said. She called 911 after the train plowed into the car's passenger side and pushed it about 50 feet east down the tracks. Mays said she could see that all the victims were dead.

''It happened so fast, like something you see on TV,'' she said.

Shirley Taylor, of Merrillville, was in the nearby Chase bank when she heard the train's horns blowing and its brakes screeching, she said. The bank manager ran outside to help, but he returned with shock on his face, Taylor said.

''He came over and told everyone there was nothing he could do,'' Taylor said.

The victims' relatives descended on the scene about 6 p.m. A small group of furious men alternated between sobbing inconsolably and bellowing profane threats at police, firefighters, clergy, bystanders and news reporters. A man who identified himself as Alvarez's brother struggled with officers. A man threw a rock at a television cameraman. Another man was arrested after a fight in the Chase bank parking lot. He was handcuffed and apparently stunned with a Taser. Gary police were not available Monday night to comment on the fights after the crash.

The train's nine cars and two locomotives were headed from Chicago to Columbus, Ohio, said CSX spokesman Gary Sease. No one on the train was hurt, Sease said.

[From the Northwest Indiana and Illinois Times, July 26, 2008]

TRAIN HITS TRUCK, INJURES THREE

(By Vanessa Renderman)

GRIFFITH.—Three people suffered minor injuries Friday when a train hit a tractor-trailer, knocking a 20-ton piece of construction equipment off the truck bed and forcing the truck into two occupied vehicles.

''I've never seen anything like this,'' Griffith Cpl. Ryan Bottiger said.

The accident occurred early in the afternoon at the intersection of Main Street and Wiggs Avenue.

The front of an eastbound Canadian National train struck the back end of a Grimmer Construction tractor-trailer that was crossing the tracks. The crossing has no gates, but the lights were working, Bottiger said.

A westbound train on parallel tracks had just gone through the crossing.

The driver of the tractor-trailer, who declined to give his name, said the car in front of him crossed the tracks, and he started to cross. Because of the angle, he didn't see the eastbound train coming. By the time he did, it was too late, and the back end of his truck got clipped, he said. The driver suffered an abrasion to his chin.

The force shook loose a 20-ton piece of construction equipment that was chained to the rear of the tractor-trailer. The equipment rolled, gouging chunks of asphalt from the street. It landed on a grassy residential corner and leaked diesel fuel and hydraulic fluid, which crews cleaned up, Bottiger said.

The tractor-trailer hit two vehicles that were in the oncoming lane, including the gray Mercury Montego that Merrillville resident John Holliday was driving.

Holliday said he was waiting for a westbound train to pass. When it did, a vehicle in the oncoming lane crossed the tracks. Holliday then heard a train whistle and saw the tractor-trailer cross the tracks and get hit, before barreling toward his car.

''At that point, all I could see was a truck coming head first, straight on,'' he said. ''It's kind of a bad feeling, seeing a truck coming right at you.''

Holliday's car was hit on the front passenger side. The airbag deployed, which burned his hand. He saw the 20-ton piece of construction equipment roll off the truck.

''It looked like out of a movie,'' he said.

Although Holliday was alone in his car, the other vehicle that was struck had four occupants, three of whom were children. The driver was transported to a hospital with nonlife-threatening injuries and a relative picked up the children, Bottiger said.

Bottiger said Friday afternoon he didn't know whether any citations would be issued.

[From the Northwest Indiana Post-Tribune, Sept. 4, 2008]

PORTAGE WOMAN, 43, DIES WHEN HIT BY TRAIN

PORTAGE.—Police are continuing to investigate the death of a Portage woman who was killed Tuesday night when a train hit her.

Linda Evola, 43, of 5075 Lincoln St., was declared dead at 11:04 p.m. Tuesday from massive blunt force trauma, Porter County Coroner Victoria Deppe said.

Evola was hit by an eastbound CSX train near Don's Motel, 5500 U.S. 20, around 10 p.m. Tuesday, according to a Portage Police Department release.

Sgt. Keith Hughes said two engineers on the train saw Evola walking west on the tracks and sounded the train's horn. The engineers said Evola looked up, Hughes said, but she did not move off the tracks.

''At this time it's still unknown whether she intended to do it,'' Hughes said.

Deppe said that right now her office is ruling the death an accident.

''She did live near the train,'' Deppe said. ''That was a place people cut through.''

She also said that it does not appear drugs or alcohol played a part, although her office is running toxicology tests.

□ 1245

Mr. SHUSTER. May I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 13½ minutes remaining.

Mr. SHUSTER. I would like to yield myself 30 seconds just to respond to what the gentleman mentioned about the automotive industry and the $25 billion loan they want and about the $700 billion.

Well, the good news in this debate today about the railroad industry is that the railroad doesn't need it. The railroad industry is successful, and we need to make sure that they continue to be successful and that they don't require any kind of assistance from the Federal Government. They're the only freight rail system in the world that doesn't require the Federal Government's propping it up. So that's a good news story here today, and that's what we want to keep doing.

I would also like to submit for the RECORD a letter from the Association of American Railroads and the short lines in this country that are directly affected by this legislation, and they are opposed to it.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, DC, September 27, 2008.

DEAR REPRESENTATIVE: The House may consider H.R. 6707 on the suspension calendar today. The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) strongly oppose H.R. 6707—Taking Responsible Action for Community Safety Act.

Under current law, the Surface Transportation Board (STB) must evaluate the merits of a railroad merger transaction under a ''public interest'' standard if it involves two Class I railroads. The STB's evaluation takes into account and weighs all issues relevant to the public interest including efficiencies, productivity gains, capacity improvements, and environmental benefits that the transaction will realize.

H.R. 6707 would distort that standard and STB evaluation process by requiring the STB to specifically weigh the adverse impacts on safety and local communities against the transportation benefits of a merger.

The bill's mandate for the STB's evaluation to specificallly focus on the impact on local communities as a counterweight to the overall transportation benefits that a merger would otherwise realize can result in the disapproval of mergers with significant benefits to the public and to the nation solely because of ''nimby''ism. This would clearly be at odds with rail transportation policy at 49 USC 10101 which has as a goal the development sound transportation system to meet the needs of the public.

The bill's requirement for a specific STB focus on local impacts creates an additional regulatory burden and imposes potentially conflicting regulatory requirements. The costs and uncertainties arising from the proposed regulatory process will further discourage parties from entering into transactions that could otherwise bring significant transportation and other public benefits,

For all of the above reasons we strongly urge a no vote on H.R. 8707.

EDWARD R. HAMBERGER,
President & Chief Executive Officer, Association of American Railroads.

RICHARD TIMMONS,
President & Treasurer, American Short Line & Regional Railroad Association.

Mr. SHUSTER. I would like to now yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of the TRACS Act legislation being presented here.

I thank the chairman of the committee, Mr. OBERSTAR, for all of the work that he has done on this bill, and I'm really very proud to be an original cosponsor on it.

I really believe in the rail system. I believe in our transportation system, and I think that we have always put our railroads in a very high context as far as being able to move our goods across this country and being able to ship at a reasonable rate. A situation has come up, something that, I think, is very unfair, and I think it is what this legislation will address.

In considering a merger, the STB is required to look at how it affects Congress. If there is just one major rail, just one—a class A—then they don't have the same requirements that other mergers have. If it's a class 1 and more than a class 1, then the STB, the Surface Transportation Board, is required to consider the safety and environmental effect of the proposed transaction, including the effects on local communities: the traffic congestion, the grade crossing, the public safety, the socioeconomic impact, and the traffic congestion—commuter rail and Amtrak.

The clarification that we want to make is, if there is just one of the class 1 rails, then they need to take these same things into consideration.

Mr. WHITFIELD of Kentucky talked about the rural area. I think we're really looking at congested areas, when a merger is to take place that will affect an area of densely populated areas such as the suburbs of our great cities. It's not just one area that's going to be affected. Mark my words that these types of merger requirements will affect so many more than just the Chicago area, as was suggested by the chairman of the subcommittee.

I don't think that our purpose here today is to kill any merger. It is to clarify and to make sure that there is fairness in what the Surface Transportation Board will look at. Will they look at just the commerce and competitiveness of two rail lines and how it will affect all of the competition between all of the rails or will they also take into account the effect on the public interest and on the communities that are involved?

Now, in the area that we've been talking about in Chicago, I have to say that this is an area that has grown up around the railroads. It has increased to such a dense population that socioeconomic issues are affected, that public safety is affected and that traffic congestion is affected. All we want is to clarify that the Surface Transportation Board can take that into account.

I have just one other clarification about mitigation. I didn't want to get into specifics, but in this issue, the mitigation would be $30 million. Now, I have in my community a rail crossing that is being put underground, and it has nothing to do with this other line. The cost of that is $53 million to have a separate grade crossing. So, when we talk about $30 million that would affect at least 40 communities and at least 141 rail crossings, I think this is something to consider.

So it's just a clarification, and I would urge my colleagues to vote for it.

I thank the chairman so much for bringing this up and for having a hearing which, I think, was very open.

Mr. OBERSTAR. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 9 minutes remaining. The gentleman from Pennsylvania has 10 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Speaker, I rise in strong support of H.R. 6707, the Taking Responsible Action for Community Safety Act.

I would like to thank Chairman OBERSTAR, who has displayed exemplary leadership on an issue of great importance to so many American communities.

The need for this legislation came to my attention as a result of a specific situation spanning several districts in Illinois and in Indiana, but the issue it addresses is national. Let me explain.

For several months, families and businesses in my district and in nearby districts have overwhelmingly declared their opposition to Canadian National's potential acquisition of the Elgin, Joliet and Eastern Railway, which is currently pending before the Surface Transportation Board. I have heard from many of my constituents in public forums, on the phone and in private meetings. They've held rallies and have petitioned the STB in writing, but their voices have gone unheard. At this point, the only criterion the STB must consider in evaluating this deal is whether the proposed transaction would have an adverse effect on competition among the rail carriers in the affected region.

Sadly, the public interest has been largely left out of this process even though the public stands to lose the most in this transaction. There will be no improvement in the quality of life in the region and no economic upside. The recently released draft of the STB's environmental impact statement estimates the acquisition will lead to a loss of 300 jobs in the region. It will also unreasonably saddle local taxpayers with the cost of the mitigation of this project. The study provided, at best, a vague and incomplete study of the 133 grade crossings in the area and, from this, recommended that Canadian National pay only 5 to 10 percent of the mitigation cost. Grade separations cost approximately $50 million each, and the STB apparently expects local communities to shoulder most of this burden.

Let's see: Private profits, socialized bailout costs. Does that sound familiar to anyone around here?

The deal also raises serious public safety concerns, many of which are simply glossed over in the draft study. Increased traffic on the EJ&E will raise the probability of train accidents by 28 percent. Further, the ability of local police, fire and EMS services to respond to emergencies in the affected communities will be hampered by blocked intersections. Once again, Canadian National is not directed to help fund projects that will mitigate this potentially life-threatening problem.

Now, how does H.R. 6707 address this type of situation? Simply speaking, H.R. 6707 would compel the STB to consider the public interest as well as purely commercial considerations in its judgment of a proposed railway merger. The legislation would require the STB to determine a transaction's effect on public safety, on grade crossing safety, on hazardous materials transportation, and on emergency response time. Such a proposal would be approved when it is consistent with the overall public interest and rejected when it is not.

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

Mr. OBERSTAR. I yield the gentleman 1 additional minute.

Mr. FOSTER. Mr. Speaker, H.R. 6707 is a much needed enhancement of current statute. While this legislation is an immediate response to one proposed acquisition, it will ultimately protect communities across the country.

To be clear, I do not mean to oppose all railway transactions. Railways are an extremely efficient means of transportation, and their use can and should increase in response to rising fuel prices. However, transactions like the EJ&E acquisition should only proceed when there is an overall commercial and economic benefit. This is not the case here. There is something seriously wrong with a process that leaves out the public and that deflects the cost of these acquisitions and traffic increases on to local communities. H.R. 6707 will help change this.

I urge my colleagues to support this important legislation.

Mr. SHUSTER. I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. First of all, I want to thank Chairman OBERSTAR for his leadership and for his willingness to listen and for his thoughtful approach on this and for how he has brought, really, a bipartisan group together in trying to drive towards a solution.

Since coming to Congress, I've noticed that, many times, what we need to do is to spend time bringing statutes up to date, and this is just one of those examples. We've been struggling over these past several days with the financial markets and, in many cases, with a regulatory environment that isn't regulating properly. Well, here is an

opportunity for us to be proactive and to bring a regulation up to date to really deal with current needs. Giving the Surface Transportation Board the authority to consider a couple of things, I think, is very thoughtful and very wise and very measured. This is what this bill is about.

It says that the Surface Transportation Board in these transactions has to consider a couple of things. It has to consider the impact on safety and the environment. It has to consider the impact of grade crossings, of HAZMAT, of emergency response time, and of noise. In my view, those are not unreasonable requests. It doesn't predetermine an outcome. It doesn't say what they need to do with that information, but it says, as a matter of record, that they have to consider that.

Now a word about Canadian National: Whether or not Canadian National decided to show up at a hearing is really their prerogative. I just confirmed with the chairman that they were welcomed to show up. This is a pattern, frankly, that we've seen with Canadian National in our community where we were told they would show up at any time and at any place to talk to anyone, but when a forum was created, they waived off of that.

Now let's just set that aside. Here we have a chance to create a statute that says, if you're going to increase rail traffic through a community, you've got to consider the cost, and you've got to consider the cost on the community.

The gentlelady from Illinois (Mrs. BIGGERT) spoke a couple of minutes ago about the cost of one of these rail crossings and of the cost of a grade separation. They are a thing to behold, and they are incredibly expensive. The fact that Canadian National in this particular case has several tens of millions of dollars on the table doesn't anywhere near answer the cost to local taxpayers who would be asked to bear the burden with very little benefit.

So I think the chairman's approach on this—the way he has brought a bipartisan group together around it and the thoughtfulness of it and, really, the holistic way that this would be evaluated—is a very light touch, in fact, and he is not coming down with a heavy hand. I am strongly supportive of it.

Mr. OBERSTAR. Mr. Speaker, I have no further speakers at this time. I just want to reinforce what the gentleman said, however, and I yield myself 30 seconds.

The CEO of Canadian National Railway not only was invited to participate—and I, actually, reached out to the railroad—but Hunter Harrison, their CEO, testified in person.

I continue to reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7½ minutes remaining.

Mr. SHUSTER. I now yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, this bill is quite interesting because, if you take a look at the Surface Transportation Board's weighing an application for a merger, one would think that items such as the safety of the people, the backup of traffic, incremental delays at crossings, and hundreds of school bus crossings per day on impacted tracks would have some type of a consideration.

□ 1300

The problem is that under the present law, in an oversight made in 1995, whenever the Surface Transportation Board tries to weigh the impacts on local communities, the only criteria that is used is whether or not it violates antitrust laws. And ironically, issues of safety are not taken into consideration. And that's shocking.

It's apparent that there is a big problem in this bill. The bill has application across the country. It has particular application to northern Illinois to tens of thousands of my constituents that have to travel through the town of Barrington, which is in Congresswoman BEAN's district. To these folks, the backup of traffic is significant. The inability to get to work on time; the fact that, from what we understand, Canadian National plans on putting in trains that are 2 miles long clogging all three intersections in the village of Barrington at the same time. And it's through that village that there are 800 school bus crossings each day.

And it's amazing that this bill tries to correct something so elementary as to say whenever there is a request to merge railroad companies, that safety should be a consideration.

I'm here today to offer my unqualified support for the Taking Responsible Action for Community Safety Act (H.R. 6707). This bill, which I'm proud to co-sponsor, will help solve a left-over problem from when Congress abolished the Interstate Commerce Commission in 1995. The Surface Transportation Board, STB, took over the functions of the ICC with the missions of resolving railroad rate and service disputes and reviewing proposed railroad mergers. Current law gives the STB considerable discretion to disapprove transactions involving at least two Class I rail carriers but allows much less flexibility to disapprove transactions like CN's proposed acquisition of the EJ&E. In fact, the law states that the STB "shall" approve the transaction "unless" the Board determines it will hurt competitiveness, restrain trade, or fail to meet significant transportation needs. In plain English, this means that the STB will not stop a transaction because of local community concerns unrelated to anti-trust issues. This may seem like semantics, but it's an important distinction that has long tipped the scale toward privately owned rail carriers and away from the communities who have to live with them.

In northern Illinois, the community of Barrington is unalterably opposed to the proposed sale of the EJ&E line to the Canadian National, CN, Railway, as evidenced by the thousands of people that showed up to the STB scoping session last January and their formal hearing last August. This is not because of a NIMBY syndrome—everyone understands the need to improve the national rail transportation network and would be willing to compromise. But having additional freight train traffic traverse on the existing aging EJ&E track will not be just a simple minor inconvenience—it will fundamentally alter the entire nature of this picturesque town.

While I do not directly represent Barrington, Illinois, I am honored to serve the thousands of commuters who live in southern McHenry County who must travel through Barrington, either by car or rail, to get to work or to perform daily errands. While I've been concerned about this deal since day one, a Draft Environmental Impact Statement recently relesed by the STB confirmed many of my worst fears about increased accident risks, increased air pollution, increased exposure to hazardous material, and increased traffic. The report also acknowledged that railroads traditionally only contribute 5 to 10 percent of the costs to mitigate these problems. That would leave taxpayers paying the tab for a transaction that solely benefits a private company's bottom line.

I say it's not about what's traditional. It's about what's fair. And the people from the 16th District of Illinois, who I've had a plenty of chances to talk with over the past few weeks, agree with me.

H.R. 6707 corrects an oversight made in 1995 and requires the STB to weigh impacts on local communities more heavily when considering any railroad transaction. In fact, the STB would have to reject a proposed acquisition if it finds that transaction's impacts on the affected communities outweigh the transportation benefits. Congress should learn from this experience with this particular transaction and make sure that no community in the Nation will ever have to go through what Barrington is experiencing now.

In this particular case, I understand that this transaction could have some macrobenefits, but CN accomplishes that goal primarily by exporting the train congestion problems in downtown Chicago to outlying suburban areas such as Barrington. Tens of thousands of motorists in northern Illinois—especially those in McHenry County—travel through Barrington on their way to work each day, crossing the EJ&E line at Route 14, Route 59, and Lake-Cook Road. Approximately another 4,000 commuters from McHenry County ride Metra rail to work in the Chicago-land area each day, crossing the EJ&E line in Barrington. All of these people will be affected by additional CN freight traffic.

At the very least, they are going to encounter inconvenient delays and increases in air pollution. At the worst, it could become a matter of life and death. Not only could emergency responder vehicles become trapped on all sides by a train, but school buses in the Barrington school district cross the EJ&E lines about 800 times a day. Additional freight trains could quadruple the safety risk of students who traverse the crossings each day.

In closing, I'd like to express my appreciation to my friend JIM OBERSTAR, the chairman of the Transportation Committee, for introducing this piece of legislation and for working with me and others in the suburban Chicago delegation in a bipartisan manner. I urge my colleagues to support H.R. 6707 today.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the gentleman if he has any further speakers.

Mr. SHUSTER. We have none. I am prepared to close.

I have how much time left?

The SPEAKER pro tempore. The gentleman has 5½ minutes.

Mr. SHUSTER. Again, I just want to reiterate the reasons that I oppose this bill today. First and foremost, the Transportation and Infrastructure Committee is a committee that does its homework usually, that works hard to understand the issues and come forth with something that is good legislation, and it's also bipartisan. And I think that in this situation, we're not able to reach that standard that we typically do in the Transportation and Infrastructure Committee. Not bringing in the STB to have them at the table, the experts, to really understand how the nuts and bolts of this legislation going forward is going to have a chilling effect, I believe, on our rail industry.

We do have the most efficient, the safest railroad industry in the world. It's the gold standard. Countries around the world look at our rail industry and want to copy it, want to try to have that type of freight industry in their countries.

But we in Congress sometimes do our best to try to make it extremely difficult for them to operate, to cause them to put mandates on them that I don't believe serve the best interests of not only communities, but of the rail industry and of our economy.

As I said, we have the most efficient and safest rail industry of the world, and we should continue to want to see that so that we don't, down the road 10 years, 15 years, see the rail industry coming to Congress asking them to bail them out.

As I said, I believe there are going to be unintended consequences of this bill. There are going to be negative effects on the growth of the railroad industry which we desperately need to see going forward as I talked earlier about the increase and demand for rail. The retroactive provision is going to undermine the confidence in our regulatory system, and it's going to, as I said, have a chilling effect on investments when rail companies in the future want to merge.

The CN and EJ&E deal, if it's killed, the increase in traffic can still occur on those lines. The situation is going to be, though, that the EJ&E is not going to have to put $40 million of money into mitigating some of the problems and the increase in traffic. So I think that's going to be bad for those communities.

And we can't forget the benefits that decreased congestion in Chicago is going to have on America. And also, most importantly, as I said earlier, we're not hearing from those low-income communities in Chicago that have hundreds of trains going through their neighborhood every week. They are going to see a decrease. That voice of those low-income neighborhoods is not being heard, is not being addressed because that is what is going to happen here. Those neighborhoods will benefit also with a decrease in traffic if we are able to spread out trains to decrease that bottleneck that's occurring in Chicago.

So I urge my colleagues to vote ''no'' on this piece of legislation, and I urge other members of the committee, let's go back to the committee, let's work together and produce something that we can see improvements to the STB that will be a positive for the communities as well as the economy of this country.

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

The SPEAKER pro tempore. The gentleman from Minnesota has 4½ minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of our time.

This is not a retroactive measure. It does not undo any transaction in the works or already concluded. It sets standards for all railroads, for all considerations of acquisition by class 1 or class 2 or class 3 railroads, sets up standards, reinforces authority that the Surface Transportation Board chairman has said they thought they had authority over environmental review but they've never exercised it. They're concerned that if they did, they might have some legal difficulties. We're clarifying that the board has authority to act on environmental issues raised by communities.

We did hear from those inner city communities who testified in person at the hearing at the request of the gentleman from Illinois (Mr. LIPINSKI). I have heard railroads don't need help from the Federal Government. Well, they shouldn't. The Federal Government gave the railroads, between 1850 and 1871, 173 million acres of public land, 9 percent of the total surface area of the United States, for the public use, convenience, necessity, and benefit of the Nation to own and control the resources above and below ground: the timber resources as well as the coal and, in many cases, oil and gas, and other minerals; and the right to sell those properties. The railroads have sold billions of dollars' worth of public land that were given to them for the public trust. And they're not without their requests to the Congress. They've spent a considerable amount of time, the Association of American Railroads, lobbying the House and the Senate for a 25 percent investment tax credit to increase their capital investment. I'm for it. I think that's a reasonable investment to make. I think we ought to help railroads do that. I think we ought to ensure that they use that tax credit for those capital investments. It's a reasonable request, but they're not without their hand out to the Federal Government

Why should the railroads take the position that they are above review? When other forms of transportation are subject to public scrutiny by the communities affected by road construction, bridge construction, transit, light rail, commuter rail, all are subject to citizen review. Railroads cannot take the position that they're above review. They, too, take actions that affect the citizens and the communities that reside along their lines. And all we're providing in this legislation is a process within which those actions taken by railroads would be subject—class 1 to class 1, and class 1 to class 2 and class 3 should be considered in the same way.

That's all this legislation does.

I ask for a very resounding ''aye'' vote for this long overdue legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6707, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF HON. STENY HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 110TH CONGRESS

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

WASHINGTON, DC,
September 27, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Tenth Congress.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE 111TH CONGRESS

Mr. FOSTER. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1513

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eleventh Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 110th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die.

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

There was no objection.

ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2008

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1283) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 1283

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 ''Arthritis Prevention, Control, and Cure Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Arthritis and other rheumatic diseases are among the most common chronic conditions in the United States. There are more than 100 different forms of arthritis, which affect joints, the tissues which surround the joint, and other connective tissue. Two of the most common forms are osteoarthritis, which affects approximately 21,000,000 Americans, and rheumatoid arthritis.

(2) Arthritis and other rheumatic diseases cause severe and chronic pain, swollen tissue, ligament and joint destruction, deformities, permanent disability, and death. Arthritis and other rheumatic diseases erode patients' quality of life and can diminish their mental health, impose significant limitations on their daily activities, and disrupt the lives of their family members and caregivers.

(3) One out of every 5 or 46 million adults in the United States suffers from arthritis. The number of individuals in the United States with arthritis will grow as the number of older Americans continues to increase dramatically in the next few decades.

(4) By 2030, nearly 67,000,000 or 25 percent of the projected United States adult population will have arthritis, and arthritis will limit the daily activities of nearly 25,000,000 individuals. These estimates may be conservative as they do not account for the current trends in obesity, which may contribute to future cases of osteoarthritis.

(5) According to the Centers for Disease Control and Prevention, the total costs attributable to arthritis and other rheumatic conditions in the United States in 2003 was approximately $128,000,000,000. This equaled 1.2 percent of the 2003 United States gross domestic product. $80,800,000,000 of such costs consisted of direct costs for medical care, and $47,000,000,000 consisted of indirect costs for lost earnings. National medical costs attributable to arthritis grew by 24 percent between 1997 and 2003. This rise in medical costs resulted from an increase in the number of people with arthritis and other rheumatic conditions.

(6) Arthritis and other rheumatic diseases affect all types of people of the United States, not just older individuals. Arthritis and other rheumatic diseases disproportionately affect women in the United States. 8,700,000 young adults ages 18 through 44 have arthritis, and millions of others are at risk for developing the disease.

(7) Nearly 300,000 children in the United States, or 3 children out of every 1,000, have some form of arthritis or other rheumatic disease. It is the sense of the Congress that the substantial morbidity associated with pediatric arthritis warrants a greater Federal investment in research to identify new and more effective treatments for these diseases.

(8) Arthritis and other rheumatic diseases are the leading cause of disability among adults in the United States. Over 40 percent, or nearly 19,000,000, adults with arthritis are limited in their activities because of their arthritis. In addition to activity limitations, 31 percent or 8,200,000 of working age adults with arthritis report being limited in work activities due to arthritis.

(9) Obese adults are up to 4 times more likely to develop knee osteoarthritis than normal weight adults. Excess body weight is also associated with worse progression of arthritis, contributing to functional limitation, mobility problems, and disability. About 35 percent of adults with arthritis are obese compared to only 21 percent of those without arthritis.

(10) Arthritis results in 744,000 hospitalizations and 36,500,000 outpatient care visits every year.

(11) In 1975, the National Arthritis Act of 1974 (Public Law 93–640) was enacted to promote basic and clinical arthritis research, establish multipurpose arthritis centers, and expand clinical knowledge in the field of arthritis. The Act was successfully implemented, and continued funding of arthritis-related research has led to important advances in arthritis control, treatment, and prevention.

(12) Early diagnosis, treatment, and appropriate management of arthritis can control symptoms and improve quality of life. Weight control and exercise can demonstrably lower health risks from arthritis, as can other forms of patient education, training, and self-management. The genetics of arthritis are being actively investigated. New, innovative, and increasingly effective drug therapies, joint replacements, and other therapeutic options are being developed.

(13) While research has identified many effective interventions against arthritis, such interventions are broadly underutilized. That underutilization leads to unnecessary loss of life, health, and quality of life, as well as avoidable or unnecessarily high health care costs. Increasing physical activity, losing excess weight, and participating in self-management education classes have been shown to reduce pain, improve functional limitations and mental health, and reduce disability among persons with arthritis. Some self-management programs have been proven to reduce arthritis pain by 20 percent and physician visits by 40 percent. Despite this fact, less than 1 percent of the people in the United States with arthritis participate in such programs, and self-management courses are not offered in all areas of the United States.

(14) Rheumatologists are internists or pediatric sub-specialists who are uniquely qualified by an additional 2 to 4 years of training and experience in the diagnosis and treatment of rheumatic conditions. Typically, rheumatologists act as consultants, but also often act as managers, relying on the help of many skilled professionals, including nurses, physical and occupational therapists, psychologists, and social workers. Many rheumatologists conduct research to determine the cause and effective treatment of disabling and sometimes fatal rheumatic diseases.

(15) Recognizing that the Nation requires a public health approach to arthritis, the Department of Health and Human Services established important national goals related to arthritis in its Healthy People 2010 initiative. Moreover, various Federal and non-Federal stakeholders have worked cooperatively to develop a comprehensive National Arthritis Action Plan: A Public Health Strategy.

(16) Greater efforts and commitments are needed from Congress, the States, providers, and patients to achieve the goals of Healthy People 2010, implement a national public health strategy consistent with the National Arthritis Action Plan, and lessen the burden of arthritis on citizens of the United States.

SEC. 3. ENHANCING THE PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

"SEC. 315. IMPLEMENTATION OF THE NATIONAL ARTHRITIS ACTION PLAN.

''The Secretary shall develop and implement a National Arthritis Action Plan that consists of—

''(1) the Federal arthritis prevention and control activities, as described in section 315A;

''(2) the State arthritis control and prevention programs, as described in section 315B;

''(3) the comprehensive arthritis action grant program, as described in section 315C; and

''(4) a national arthritis education and outreach program, as described in section 315D.

"SEC. 315A. FEDERAL ARTHRITIS PREVENTION AND CONTROL ACTIVITIES.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, directly, or through a grant to an eligible entity, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

''(b) DUTIES OF SECRETARY.—The activities of the Secretary under subsection (a) shall include—

''(1) the collection, publication, and analysis of data on the prevalence and incidence of arthritis and other rheumatic diseases;

''(2) the development of uniform data sets for public health surveillance and clinical quality improvement activities;

''(3) the identification of evidence-based and cost-effective best practices for the prevention, diagnosis, management, and care of arthritis and other rheumatic diseases;

''(4) research, including research on behavioral interventions to prevent arthritis and on other evidence-based best practices relating to arthritis prevention, diagnosis, management, and care; and

''(5) demonstration projects, including community-based and patient self-management programs of arthritis control, prevention, and care, and similar collaborations with academic institutions, hospitals, health insurers, researchers, health professionals, and nonprofit organizations.

''(c) TRAINING AND TECHNICAL ASSISTANCE.—With respect to the planning, development, and operation of any activity carried out under subsection (a), the Secretary may provide training, technical assistance, supplies, equipment, or services, and may assign any officer or employee of the Department of Health and Human Services to a State or local health agency, or to any public or nonprofit entity designated by a State health agency, in lieu of providing grant funds under this section.

''(d) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION CENTERS.—The Secretary shall provide additional grant support for research projects at the Centers for Prevention Research by the Centers for Disease Control and Prevention to encourage the expansion of research portfolios at the Centers for Prevention Research to include arthritis-specific research activities related to the prevention and management of arthritis.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

"SEC. 315B. STATE ARTHRITIS CONTROL AND PREVENTION PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a State or Indian tribe.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

''(1) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

''(2) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

''(3) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

''(4) is developed in a manner that is consistent with the National Arthritis Action Plan or a subsequent strategic plan designated by the Secretary.

''(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant awarded under subsection (a) to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under subsection (c)—

''(1) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

''(2) public information and education programs; and

''(3) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

"SEC. 315C. COMPREHENSIVE ARTHRITIS ACTION GRANTS.

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to enable such eligible entities to assist in the implementation of a national strategy for arthritis control and prevention.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a national public or private nonprofit entity.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under this section will—

''(1) supplement or fulfill unmet needs identified in the comprehensive arthritis control and prevention plan of a State or Indian tribe; and

''(2) otherwise help achieve the goals of the National Arthritis Action Plan or a subsequent strategic plan designated by the Secretary.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities submitting applications proposing to carry out programs for controlling and preventing arthritis in at-risk populations or reducing disparities in underserved populations.

''(e) USE OF FUNDS.—An eligible entity shall use amounts received under a grant awarded under subsection (a) for 1 or more of the following purposes:

''(1) To expand the availability of physical activity programs designed specifically for people with arthritis.

''(2) To provide awareness education to patients, family members, and health care providers, to help such individuals recognize the signs and symptoms of arthritis, and to address the control and prevention of arthritis.

''(3) To decrease long-term consequences of arthritis by making information available to individuals with regard to the self-management of arthritis.

''(4) To provide information on nutrition education programs with regard to preventing or mitigating the impact of arthritis.

''(f) EVALUATION.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under such grant that includes an analysis of increased utilization and benefit of public health programs relevant to the activities described in the appropriate provisions of subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

"SEC. 315D. NATIONAL ARTHRITIS EDUCATION AND OUTREACH.

''(a) IN GENERAL.—The Secretary shall coordinate a national education and outreach program to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

''(b) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under the program described in subsection (a) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted at businesses and employers, managed care organizations, and health care providers.

''(c) PRIORITY.—In carrying out subsection (a), the Secretary—

''(1) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

''(2) shall give priority to reaching high-risk or underserved populations.

''(d) COLLABORATION.—In carrying out this section, the Secretary shall consult and collaborate with stake-holders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.''.

SEC. 4. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON ARTHRITIS.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 439 the following:

"SEC. 439A. ARTHRITIS AND RHEUMATIC DISEASES INTERAGENCY COORDINATING COMMITTEE.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Arthritis and Rheumatic Diseases Interagency Coordinating Committee (referred to in this section as the 'Coordinating Committee').

''(2) DUTIES.—The coordinating committee established under paragraph (1) shall—

''(A) provide for the improved coordination of the research activities of all the national research institutes relating to arthritis and rheumatic diseases; and

''(B) provide for full and regular communication and exchange of information necessary to maintain adequate coordination across all Federal health programs and activities related to arthritis and rheumatic diseases.

''(b) ARTHRITIS AND RHEUMATIC DISEASES INTERAGENCY COORDINATING COMMITTEE.—

''(1) COMPOSITION.—The Coordinating Committee shall consist of members, appointed by the Secretary, of which—

''(A) ⅔ of such members shall represent governmental agencies, including—

''(i) the directors of each of the national research institutes and divisions involved in research regarding arthritis and rheumatic diseases (or the directors' respective designees); and

''(ii) representatives of other Federal departments and agencies (as determined appropriate by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and rheumatic diseases, including the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration; and

''(B) ⅓ of such members shall be public members, including a broad cross section of persons affected by arthritis, researchers, clinicians, and representatives of voluntary health agencies, who—

''(i) shall serve for a term of 3 years; and

''(ii) may serve for an unlimited number of terms if reappointed.

''(2) CHAIRPERSON.—

''(A) APPOINTMENT.—The Chairperson of the Coordinating Committee (referred to in this subsection as the 'Chairperson') shall be appointed by and be directly responsible to the Secretary.

''(B) DUTIES.—The Chairperson shall—

''(i) serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH on matters relating to arthritis and rheumatic diseases; and

''(ii) provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the heads of other relevant Federal agencies, on matters relating to arthritis and rheumatic diseases.

''(3) ADMINISTRATIVE SUPPORT; MEETINGS.—

''(A) ADMINISTRATIVE SUPPORT.—The Secretary shall provide necessary and appropriate administrative support to the Coordinating Committee.

''(B) MEETINGS.—The Coordinating Committee shall meet on a regular basis as determined by the Secretary, in consultation with the Chairperson.

''(c) ARTHRITIS AND RHEUMATIC DISEASES SUMMIT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Arthritis Prevention, Control, and Cure Act of 2007, the Coordinating Committee shall convene a summit of researchers, public health professionals, representatives of voluntary health agencies, representatives of academic institutions, and Federal and State policymakers, to provide a detailed overview of current research activities at the National Institutes of Health, as well as to discuss and solicit input related to potential areas of collaboration between the National Institutes of Health and other Federal health agencies, including the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Health Resources and Services Administration, related to research, prevention, and treatment of arthritis and rheumatic diseases.

''(2) SUMMIT DETAILS.—The summit developed under paragraph (1) shall focus on—

''(A) a broad range of research activities relating to biomedical, epidemiological, psychosocial, and rehabilitative issues, including studies of the impact of the diseases described in paragraph (1) in rural and underserved communities;

''(B) clinical research for the development and evaluation of new treatments, including new biological agents;

''(C) translational research on evidence-based and cost-effective best practices in the treatment, prevention, and management of the disease;

''(D) information and education programs for health care professionals and the public;

''(E) priorities among the programs and activities of the various Federal agencies regarding such diseases; and

''(F) challenges and opportunities for scientists, clinicians, patients, and voluntary organizations.

''(d) REPORT TO CONGRESS.—Not later than 180 days after the convening of the Arthritis and Rheumatic Diseases Summit under subsection (c)(1), the Director of NIH shall prepare and submit a report to Congress that includes proceedings from the summit and a description of arthritis research, education, and other activities that are conducted or supported through the national research institutes.

''(e) PUBLIC INFORMATION.—The Coordinating Committee shall make readily available to the public information about the research, education, and other activities relating to arthritis and other rheumatic diseases, conducted or supported by the National Institutes of Health.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

SEC. 5. EXPANSION, INTENSIFICATION, AND INNOVATION OF RESEARCH AND PUBLIC HEALTH ACTIVITIES RELATED TO JUVENILE ARTHRITIS.

(a) JUVENILE ARTHRITIS INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404I. JUVENILE ARTHRITIS INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.

''(a) EXPANSION AND INTENSIFICATION OF ACTIVITIES.—

''(1) IN GENERAL.—The Director of NIH, in coordination with the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and the directors of the other national research institutes, as appropriate, shall expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning various forms of juvenile arthritis.

''(2) COORDINATION.—The directors referred to in paragraph (1) shall jointly coordinate the programs referred to in such paragraph and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities as appropriate.

''(b) PLANNING GRANTS AND CONTRACTS FOR INNOVATIVE RESEARCH IN JUVENILE ARTHRITIS.—

''(1) IN GENERAL.—In carrying out subsection (a)(1) the Director of NIH shall award planning grants or contracts for the establishment of new research programs, or enhancement of existing research programs, that focus on juvenile arthritis.

''(2) RESEARCH.—

''(A) TYPES OF RESEARCH.—In carrying out this subsection, the Secretary shall encourage research that focuses on genetics, on the development of biomarkers, and on pharmacological and other therapies.

''(B) PRIORITY.—In awarding planning grants or contracts under paragraph (1), the Director of NIH may give priority to collaborative partnerships, which may include academic health centers, private sector entities, and nonprofit organizations.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section. Such authorization shall be in addition to any authorization of appropriations under any other provision of law to carry out juvenile arthritis activities or other arthritis-related research.''.

(b) PUBLIC HEALTH AND SURVEILLANCE ACTIVITIES RELATED TO JUVENILE ARTHRITIS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320A the following:

''SEC. 320B. SURVEILLANCE AND RESEARCH REGARDING JUVENILE ARTHRITIS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to and enter into cooperative agreements with public or nonprofit private entities for the collection, analysis, and reporting of data on juvenile arthritis.

''(b) TECHNICAL ASSISTANCE.—In awarding grants and entering into agreements under subsection (a), the Secretary may provide direct technical assistance in lieu of cash.

''(c) COORDINATION WITH NIH.—The Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health.

''(d) CREATION OF A NATIONAL JUVENILE ARTHRITIS PATIENT REGISTRY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with a national voluntary health organization with experience serving the juvenile arthritis population as well as the full spectrum of arthritis-related conditions, shall support the development of a National Juvenile Arthritis Patient Registry to collect specific data for follow-up studies regarding the prevalence and incidence of juvenile arthritis, as well as capturing information on evidence-based health outcomes related to specific therapies and interventions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 6. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.

(a) IN GENERAL.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.

''(a) ENHANCED SUPPORT.—In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary, in consultation with the Administrator of the Health Resources and Services Administration, shall support activities that provide for—

''(1) an increase in the number and size of institutional training grants awarded to institutions to support pediatric rheumatology training; and

''(2) an expansion of public-private partnerships to encourage academic institutions, private sector entities, and health agencies to promote educational training and fellowship opportunities for pediatric rheumatologists.

''(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

(b) PEDIATRIC LOAN REPAYMENT PROGRAM.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''SEC. 399Z–2. PEDIATRIC RHEUMATOLOGY LOAN REPAYMENT PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Health Resources and Services Administration, may establish a pediatric rheumatology loan repayment program.

''(b) PROGRAM ADMINISTRATION.—Through the program established under subsection (a), the Secretary shall—

''(1) enter into contracts with qualified health professionals who are pediatric rheumatologists under which—

''(A) such professionals agree to provide health care in an area with a shortage of pediatric rheumatologists; and

''(B) the Federal Government agrees to repay, for each year of such service, not more than $25,000 of the principal and interest of the educational loans of such professionals; and

''(2) in addition to making payments under paragraph (1) on behalf of an individual, make payments to the individual for the purpose of providing reimbursement for tax liability resulting from the payments made under paragraph (1), in an amount equal to 39 percent of the total amount of the payments made for the taxable year involved.

''(c) FUNDING.—

''(1) IN GENERAL.—For the purpose of carrying out this section, the Secretary may reserve, from amounts appropriated for the Health Resources and Services Administration for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

''(2) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.''.

SEC. 7. CAREER DEVELOPMENT AWARDS IN PEDIATRIC RHEUMATOLOGY.

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended—

(1) by redesignating the second section 487F (relating to a pediatric research loan repayment program) as section 487G;

(2) by inserting after section 487G (as so redesignated) the following:

''SEC. 487H. CAREER DEVELOPMENT AWARDS IN PEDIATRIC RHEUMATOLOGY.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of NIH, may establish a program to increase the number of career development awards for health professionals who intend to build careers in clinical and translational research relating to pediatric rheumatology.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 8. GENERAL ACCOUNTING OFFICE STUDY OF ARTHRITIS AND THE WORKPLACE.

(a) STUDY AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the economic impact of arthritis in the workplace, and submit a report to the appropriate committees of Congress containing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment in the nature of a substitute at the desk.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arthritis Prevention, Control, and Cure Act of 2008''.

SEC. 2. ENHANCING THE PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

''SEC. 315. IMPLEMENTATION OF THE NATIONAL ARTHRITIS ACTION PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary may develop and implement a National Arthritis Action Program (in this section referred to as the 'Program') consistent with this section.

''(b) CONTROL, PREVENTION, AND SURVEILLANCE.—

''(1) IN GENERAL.—Under the Program, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, directly or through competitive grants to eligible entities, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

''(2) TRAINING AND TECHNICAL ASSISTANCE.—With respect to the planning, development, and operation of any activity carried out under paragraph (1), the Secretary may provide training, technical assistance, supplies, equipment, or services, and may assign any officer or employee of the Department of Health and Human Services to a State or local health agency, or to any public or nonprofit entity designated by a State health agency, in lieu of providing grant funds under this subsection.

''(3) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION CENTERS.—The Secretary may provide additional grant support under this subsection to encourage the expansion of research related to the prevention and management of arthritis at the Centers for Disease Control and Prevention.

''(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a national public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(c) EDUCATION AND OUTREACH.—

''(1) IN GENERAL.—Under the Program, the Secretary may coordinate and carry out national education and outreach activities, directly or through the provision of grants to eligible entities, to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

''(2) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under paragraph (1) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted at businesses and employers, managed care organizations, and health care providers.

''(3) PRIORITY.—In carrying out paragraph (1), the Secretary—

''(A) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

''(B) may give priority to reaching high-risk or underserved populations.

''(4) COLLABORATION.—In carrying out this subsection, the Secretary shall consult and collaborate with stake-holders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

''(5) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a national public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(d) COMPREHENSIVE STATE GRANTS.—

''(1) IN GENERAL.—Under the Program, the Secretary may award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall be a State or Indian tribe.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

''(A) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

''(B) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

''(C) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

''(D) demonstrates the relationship the entity has with the community and local entities and how the entity plans to involve such community and local entities in carrying out the activities described in paragraph (1).

''(4) USE OF FUNDS.—An eligible entity may use amounts received under a grant awarded under this subsection to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under paragraph (3)—

''(A) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

''(B) public information and education programs; and

''(C) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

''(e) GENERAL APPLICATION.—To be eligible to receive a grant under this section, except under subsection (d), an entity shall submit

to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under this section will supplement or fulfill unmet needs identified in a comprehensive arthritis control and prevention plan of the entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(2) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2009, $32,000,000;

''(2) for fiscal year 2010, $34,000,000;

''(3) for fiscal year 2011, $36,000,000;

''(4) for fiscal year 2012, $38,000,000; and

''(5) for fiscal year 2013, $40,000,000.''.

SEC. 3. ACTIVITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO JUVENILE ARTHRITIS AND RELATED CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health, may expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning various forms of juvenile arthritis and related conditions.

(b) COORDINATION.—The Director of the National Institutes of Health may coordinate the programs referred to in subsection (a) and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities as appropriate.

SEC. 4. PUBLIC HEALTH AND SURVEILLANCE ACTIVITIES RELATED TO JUVENILE ARTHRITIS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320A the following:

''SEC. 320B. SURVEILLANCE AND RESEARCH REGARDING JUVENILE ARTHRITIS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to and enter into cooperative agreements with public or nonprofit private entities for the collection, analysis, and reporting of data on juvenile arthritis.

''(b) TECHNICAL ASSISTANCE.—In awarding grants and entering into agreements under subsection (a), the Secretary may provide direct technical assistance in lieu of cash.

''(c) COORDINATION WITH NIH.—The Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health.

''(d) CREATION OF A NATIONAL JUVENILE ARTHRITIS POPULATION-BASED DATABASE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with a national voluntary health organization with experience serving the juvenile arthritis population as well as the full spectrum of arthritis-related conditions, may support the development of a national juvenile arthritis population-based database to collect specific data for follow-up studies regarding the prevalence and incidence of juvenile arthritis, as well as capturing information on evidence-based health outcomes related to specific therapies and interventions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2013.''

SEC. 5. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.

(a) ENHANCED SUPPORT.—

(1) IN GENERAL.—In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration, shall support activities that provide for—

(A) an increase in the number and size of institutional training grants awarded to institutions to support pediatric rheumatology training; and

(B) an expansion of public-private partnerships to encourage academic institutions, private sector entities, and health agencies to promote educational training and fellowship opportunities for pediatric rheumatologists.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $3,750,000 for each of the fiscal years 2009 through 2013.

(b) PEDIATRIC LOAN REPAYMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration, shall establish and, subject to the determination under paragraph (3), carry out a pediatric rheumatology loan repayment program.

(2) PROGRAM ADMINISTRATION.—Through the program established under this subsection, the Secretary shall—

(A) enter into contracts with qualified health professionals who are pediatric rheumatologists under which—

(i) such professionals agree to provide health care in an area with a shortage of pediatric rheumatologists and that has the capacity to support pediatric rheumatology, as determined by the Secretary of Health and Human Services; and

(ii) the Federal Government agrees to repay, for each year of such service, not more than $25,000 of the principal and interest of the educational loans of such professionals; and

(B) in addition to making payments under paragraph (1) on behalf of an individual, make payments to the individual for the purpose of providing reimbursement for tax liability resulting from the payments made under paragraph (1), in an amount equal to 39 percent of the total amount of the payments made for the taxable year involved.

(3) DETERMINATION OF SHORTAGE AREAS.—For purposes of this subsection, an area shall be determined to be an area with a shortage of pediatric rheumatologists based on the ratio of the number of children who reside in such area who are in need of services of a pediatric rheumatologist to the number of pediatric rheumatologists who furnish services within 100 miles of the area.

(4) PERIODIC ASSESSMENTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall periodically assess—

(i) the extent to which the loan repayment program under this section is needed; and

(ii) the extent to which the program is effective in increasing the number of pediatric rheumatologists nationally and the number of pediatric rheumatologists in areas with a shortage of pediatric rheumatologists.

In the case that the Secretary determines, pursuant to an assessment under this subparagraph, that there is no longer a need for the loan repayment program, such program shall be terminated as of a date specified by the Secretary.

(B) ANNUAL REPORTS.—The Secretary of Health and Human Services shall annually report to Congress on the periodic assessments conducted under subparagraph (A).

(5) FUNDING.—

(A) IN GENERAL.—For the purpose of carrying out this subsection, the Secretary of Health and Human Services may reserve, from amounts appropriated for the Health Resources and Services Administration for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

(B) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

Ms. ESHOO. Mr. Speaker, I rise today in strong support of my legislation, H.R. 1283, the Arthritis Prevention, Control, and Cure Act. I have fought long and hard for this bill, along with the Arthritis Foundation, the American College of Rheumatology, and the thousands of advocates across the country that understand the need for this legislation.

With 1 out of 5 adults suffering from arthritis, this debilitating condition is the most common cause of disability in the United States. More than 300,000 children suffer from juvenile arthritis—more than the number of children with juvenile diabetes yet we have a severe shortage of pediatric rheumatologists in our country with only 239 nationwide and 11 states without even one. Early diagnosis for this disease is crucial and without it, thousands of children go undiagnosed because they don't have access to the right doctor.

This bill addresses the shortage through loan reimbursements for doctors who go into pediatric rheumatology, an increase in research of juvenile arthritis, and State grants for comprehensive arthritis programs and public health outreach.

I'm very proud to see the Arthritis Prevention, Control, and Cure Act on the floor today and I look forward to seeing the Senate companion, sponsored by my dear friend Senator KENNEDY, pass the other body as well.

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.

□ 1315

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

RE-REFERRAL OF S. 3560 TO COMMITTEE ON ENERGY AND COMMERCE AND COMMITTEE ON WAYS AND MEANS

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the bill, S. 3560, be re-referred to the Committee on Energy and Commerce and, in addition, to the Committee on Ways and Means.

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

There was no objection.

QI PROGRAM SUPPLEMENTAL FUNDING ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3560) to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3560

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 ''QI Program Supplemental Funding Act of 2008''.

SEC. 2. FUNDING FOR THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)), as amended by section 111(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subparagraph (I), by striking ''$300,000,000'' and inserting ''$315,000,000''; and

(2) in subparagraph (J), by striking ''$100,000,000'' and inserting ''$130,000,000''.

SEC. 3. MANDATORY USE OF STATE PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) PROJECT.

(a) IN GENERAL.—Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', in addition to meeting the requirements of paragraph (3),'' after ''a State must''; and

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

''(3) In order to meet the requirements of this paragraph, a State must have in operation an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS) facilitated by the Secretary (or any successor system), including matching with medical assistance programs operated by other States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(v) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

''(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

''(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

''(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

''(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

''(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

''(3) LIMITATIONS.—

''(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

''(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of the enactment of this subsection.

''(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).''.

(b) TRANSITIONAL RULES.—

(1) With respect to a patent issued on or before the date of the enactment of this Act, any patent information required to be filed with the Secretary of Health and Human Services under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (v)(1) of such section 505 (as added by this section) applies shall be filed with the Secretary not later than 60 days after the date of the enactment of this Act.

(2) With respect to any patent information referred to in paragraph (1) of this subsection that is filed with the Secretary within the 60-day period after the date of the enactment of this Act, the Secretary shall publish such information in the electronic version of the list referred to at section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) as soon as it is received, but in no event later than the date that is 90 days after the enactment of this Act.

(3) With respect to any patent information referred to in paragraph (1) that is filed with the Secretary within the 60-day period after the date of enactment of this Act, each applicant that, not later than 120 days after the date of the enactment of this Act, amends an application that is, on or before the date of the enactment of this Act, a substantially complete application (as defined in paragraph (5)(B)(iv) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))) to contain a certification described in paragraph (2)(A)(vii)(IV) of such section 505(j) with respect to that patent shall be deemed to be a first applicant (as defined in paragraph (5)(B)(iv) of such section 505(j)).

SEC. 5. CLARIFICATION OF AUTHORITY FOR USE OF MEDICAID INTEGRITY PROGRAM FUNDS.

(a) CLARIFICATION OF AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—Section 1936 of the Social Security Act (42 U.S.C. 1396u–6) is amended—

(A) in subsection (b)(4), by striking ''Education of'' and inserting ''Education or training, including at such national, State, or regional conferences as the Secretary may establish, of State or local officers, employees, or independent contractors responsible for the administration or the supervision of the administration of the State plan under this title,''; and

(B) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY; AUTHORITY FOR USE OF FUNDS.—

''(A) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

''(B) AUTHORITY FOR USE OF FUNDS FOR TRANSPORTATION AND TRAVEL EXPENSES FOR ATTENDEES AT EDUCATION, TRAINING, OR CONSULTATIVE ACTIVITIES.—

''(i) IN GENERAL.—The Secretary may use amounts appropriated pursuant to paragraph (1) to pay for transportation and the travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business, of individuals described in subsection (b)(4) who attend education, training, or consultative activities conducted under the authority of that subsection.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 1936 of the Social Security Act, as added by section 6034(a) of the Deficit Reduction Act of 2005 (Public Law 109–171).

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 1936(e)(2)(B) of such Act (42 U.S.C. 1396u–6(e)(2)(B)), as added by subsection (a) of this section, is amended by adding at the end the following:

''(ii) PUBLIC DISCLOSURE.—The Secretary shall make available on a website of the Centers for Medicare & Medicaid Services that is accessible to the public—

''(I) the total amount of funds expended for each conference conducted under the authority of subsection (b)(4); and

''(II) the amount of funds expended for each such conference that were for transportation and for travel expenses.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to conferences conducted under the authority of section 1936(b)(4) of the Social Security Act (42 U.S.C. 1396u–6(b)(4)) after the date of enactment of this Act.

SEC. 6. FUNDING FOR THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$2,220,000,000'' and inserting ''$2,290,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oklahoma (Mr. SULLIVAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. 3560, the QI Program Supplemental Funding Act of 2008, introduced by my Senate colleague, Senator MAX BAUCUS.

Mr. Speaker, this bill makes a number of technical, but important, changes that will improve the Medicare and Medicaid programs. This legislation also contains an important provision that will help incentivize the development of new antibiotics.

Earlier this summer, Congress passed H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, which extended the Qualifying Individual, or QI, program to December of 2009. The QI program provides important financial assistance to low-income Medicare beneficiaries.

Unfortunately, when we passed H.R. 6331, we did not include enough money in the QI program to fully cover the level of need. We need an additional $45 million in order to fully cover the cost of the program through the end of next year. Otherwise, vulnerable Medicare beneficiaries may be disenrolled and lose access to important health services, and we certainly can't allow this to happen.

Mr. Speaker, this legislation also contains a provision that would encourage and incentivize drug manufacturers to research and develop antibiotics. Presently, there's too little research being done to develop new and innovative antibiotics therapies. That is particularly troubling at a time when antibiotic resistance is a growing problem.

According to the Infectious Disease Society of America, about 2 million people acquire bacterial infections in U.S. hospitals each year, and 90,000 die as a result. Approximately 70 percent of these infections are resistant to at least one drug.

Mr. Speaker, the R&D pipeline for antibiotics is drying up. Major pharmaceutical companies simply are not investing in the development of new antibiotics because it's not as profitable as drugs that treat chronic conditions. This is an important provision that I believe will help reverse that trend and lead to new breakthroughs and help protect the public health.

Mr. Speaker, in addition to these two provisions, the bill before us contains several other technical changes that would improve the Medicare and Medicaid programs and generate savings.

I urge my colleagues on both sides of the aisle to support this legislation.

I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I rise in support of S. 3560. The bill is designed to make technical corrections to policies we enacted in this and previous Congresses.

Specifically, this bill, at its core, corrects a technical error in the funding level for the extension of the QI–1 program that was passed earlier this year as part of the Medicare Improvements for Patients and Providers Act of 2008. The QI–1 program provides for the government's payment of Medicare part B premiums for certain low-income beneficiaries through the State Medicaid program.

In addition, this bill provides an important correction in FDA policy regarding the development of antibiotics. This provision would have been in the Food and Drug Administration Amendments Act that we passed last year; however, it was dropped at the last minute because of PAYGO reasons.

Finally, this bill provides the Secretary with additional authority to perform education and outreach activities as part of the Medicaid Integrity Program established by the Deficit Reduction Act of 2005.

This bill is fully paid for, with some money left over to spare. The offset for this bill is the use of the State Public Assistance Reporting Information System. This system provides States with a tool to improve program integrity and go after fraud and abuse in the administration of public and medical assistance programs. This system does this by matching program enrollment data, such as Medicaid enrollment data, with data from other States which determine possible duplicate payments.

Mr. Speaker, I urge Members to support this legislation. However, I do want to remind Members that the need for a technical bill might not have arisen if the majority would have involved the minority in the crafting of the Medicare bill passed in July. The majority should have provided the minority time to review the legislation and offer a motion to recommit.

I support this legislation, but I hope moving forward the majority will include the minority when writing major legislation.

I yield as much time as the gentleman may consume to my friend from Michigan, DAVE CAMP.

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman for yielding, and I'm also pleased to rise in support of this legislation, which will make important changes to the Qualified Individual program.

This program helps low-income Medicare beneficiaries pay for their Medicare premiums. While the QI program was extended under the Medicare Improvement for Patients and Providers Act enacted in July, some States were still facing shortfalls.

The bill we are debating today provides $45 million to ensure States like Alabama and South Carolina have sufficient funds to maintain Medicare enrollment for their low-income seniors. Importantly, this bill is fully paid for by requiring State Medicaid programs to electronically submit eligibility determinations to the Public Assistance Reporting Information System.

Mr. Speaker, it is critical to the health of low-income seniors that we enact this legislation promptly, and I urge the House to support this bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California, the chairman of the Ways and Means Health Subcommittee, Mr. STARK.

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

Mr. STARK. Mr. Speaker, my remarks shall be brief, because the distinguished ranking member of the Subcommittee on Health on the Committee on Ways and Means was participating and is so adequately up on this bill that he just said it all. I would associate myself with the remarks of the

distinguished gentleman from Michigan.

I rise in support of the QI Program Supplemental Funding Act, S. 3560.

At nearly $100 a month, the Part B premium can be a real hardship for seniors living on low incomes.

This bill is necessary to ensure that low-income Medicare beneficiaries with annual incomes between $12,000–$14,000 are able to continue receiving financial assistance for the cost of their Medicare premiums.

I support extending this vital program. If this bill doesn't pass, States will drop poor seniors from the program.

My only complaint is that we should be doing more than this today. We have technical corrections from the Medicare legislation we passed earlier this year which should be before us as part of this legislation. Unfortunately, the Senate failed to reach agreement to incorporate those needed provisions in this bill.

There is much we need to do to maintain our commitment to Medicare and Medicaid. This bill is a tiny part of that work. I look forward to continuing to work with my colleagues on both sides of the aisle—and on both sides of the Capitol—to do much more.

Mr. SULLIVAN. Mr. Speaker, I yield to the gentleman from Virginia, Congressman WOLF, as much time as he may consume.

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

Mr. WOLF. I was watching this meeting and resolution in my office today, and I support it. I think it's a good issue, but I want to say to the gentleman from New Jersey, I don't understand why you've boxed up for months and years the bill that Congressman CHRIS SMITH has that deals with Lyme disease.

I was at a national Lyme disease conference this week. Lyme disease is spreading through our Nation. Lyme disease is spreading through my congressional district. Lyme disease is spreading through New Jersey, spreading through the gentleman's district, spreading through Mr. SMITH's district, and if I could get the gentleman's attention, rather than whispering back and forth, I would like to know, if we are going to do resolutions like this and take them out of the committee, why Mr. SMITH's bill, which has been pending in your committee for a long time, cannot be considered?

If you watched the movie the other day, the number of people that have been impacted by Lyme disease is very serious. This is spreading. It's in Pennsylvania, I would tell the person who's chairing the House. It is spreading throughout the United States, and yet the bill is boxed up, locked up in your committee, and I want to know, because I've had enough of seeing this thing and seeing it go time after time after time, and you're keeping the bill from coming out.

So if I could yield to the gentleman to tell me, what do you plan on doing about Lyme disease? Why won't you get that bill out? What is the status of it? And what would we tell somebody who happens to have Lyme disease today to know that the bill is pending in the committee?

I yield to the gentleman.

Mr. PALLONE. Well, as I've discussed with the gentleman, because we have actually talked about this on several occasions, I believe we are now doing what we call consent bills, in other words, bills that have the consent, meaning are basically agreed to not only by the Democrats and Republicans, but also by the members of the subcommittee and the Members of the House in general, because as you know, you have to have a two-thirds vote to pass these bills or do them by unanimous consent.

We do not have anything near consensus on that legislation. It would have to go through regular order, have a hearing, go through subcommittee. The problem is that many, probably the majority, but I won't venture to say whether it's majority or minority, but many people do not agree with the protocol, if you will, that is suggested, if not mandated, by that legislation.

In other words, right now, the majority of the doctors treat Lyme disease, you know, in a certain fashion. Those who advocate for that legislation suggest a different protocol, and frankly, I have tried very hard as chairman of the Health Subcommittee not to mandate or make decisions for physicians as to what kind of protocols they use. In this case, the protocol is very different from the overwhelming majority of the doctors, and so it's a very controversial issue that needs to have a lot of debate.

So there's absolutely no way that we could do something like that on a consent calendar because many of the Members simply don't support it.

Mr. WOLF. Reclaiming my time, why hasn't the gentleman had hearings on it?

Mr. PALLONE. Well, we could certainly have hearings on it, and as I discussed with the gentleman, I would like to have hearings not only on that bill but on the issue of Lyme disease, research and treatment, and we will certainly do that in the next session. But we're obviously not doing this today in the context of a consent calendar.

Mr. WOLF. Reclaiming my time, I will take you at your word that you're going to have hearings, is that accurate, early in the year?

Mr. PALLONE. What I said is I would like to have hearings on the issue related to Lyme. We can certainly take up the issues that are raised in that legislation in the context of that, but as I would say to the gentleman again, the protocol in that legislation is very controversial. It's certainly one of the many things that we would have to consider in the context of research and treatment of Lyme disease.

Mr. WOLF. Reclaiming my time, we're not going to let this issue go away, I want to tell the gentleman from New Jersey, even if I have to come up into New Jersey and go throughout to say that this bill is being boxed up.

Just so Members know, instances of Lyme disease are rapidly rising in Virginia, not only in my congressional district but across the country. According to the Centers for Disease Control and Prevention, from 1993 to 2007, reported cases of Lyme in Virginia have risen 990 percent, and this committee has done nothing. In the same time frame, reported cases are up 235 percent nationwide.

Lyme disease is frightening, keeps the Boy Scouts and Girl Scouts from camping during summer months or children playing in the backyard or joggers on bike paths through tree-lined neighborhoods, sharing the outdoors with a minute insect that can bring monumental health problems.

Congress needs to get serious. I was watching this and I think you have boxed it up. You know, when the gentleman was speaking—if you could look at me, I would just appreciate it. I want to tell the gentleman that we're going to hold you to this with regard to hearings. I will come and testify, but if this issue is boxed up next year, we're going to deal with it in many ways.

□ 1330

I would ask unanimous consent—if you want to say something, I'll wait.

Mr. PALLONE. Well, I would just say this: You know, it does bother me because the gentleman is sort of suggesting that you and I haven't had conversations about this. We've actually had many conversations about this. I've told you the same thing I've just said here on the floor. And I really don't understand why the gentleman is giving the impression that somehow we haven't discussed this because we have.

Mr. WOLF. Reclaiming my time, I never said—we've discussed it twice. What I'm saying is that you've boxed the bill up, you've boxed CHRIS SMITH's bill up. You've held no hearings. And there are a lot of people around the country that are suffering with Lyme disease. And you appear to be the rail block. And so what we're asking for is hearings, and give us an opportunity for all people of all sides to be heard.

Mr. PALLONE. Would the gentleman yield?

Mr. WOLF. I would yield.

Mr. PALLONE. First of all, I resent the fact that the gentleman is suggesting that we ''boxed this up.'' I would point out to the gentleman that the problem of Lyme disease has been around for many years. And the gentleman and his committee, Appropriations Committee, were in the majority for, what, at least 12 years before the last 2 years that the Democrats have been in the majority? Certainly, the gentleman had plenty of opportunity, and still does, to do something about this himself.

Mr. WOLF. Reclaiming my time, I was going to offer the Chris Smith amendment to the appropriations bill.

The Appropriations Committee hasn't met and had any hearings for months. Your side has prohibited any amendments from being offered. But I will tell the gentleman, next year, if you don't move this bill, I am going to offer it to the Labor-H bill next year and we will have to deal with it on the floor.

I believe we have a responsibility to address an issue that is wreaking havoc in my district and across the country. That's the rapid rise in Lyme disease and there is a bill pending in the Energy and Commerce Health Subcommittee that could go a long way towards helping raise awareness about the threat of Lyme.

Just this week I went to a briefing sponsored by the National Capital Lyme and Tick-Borne Disease Association. People are suffering from Bell's palsy, meningitis and other manifestations from Lyme disease.

There are people in my district whose entire nuclear family suffers from chronic Lyme: Young men and women who have had to take medical leave from their college studies to battle severe joint pain and bleeding ulcers, once healthy people unable to dress themselves or tie their shoes; and folks hundreds of thousands of dollars in debt just trying to get some quality of life back for their loved ones.

Americans need to learn about Lyme and press their Federal legislator to act. It is unacceptable—an outrage—for Congress to ignore this issue.

This past August I held a Lyme disease awareness forum in my district in Loudoun County, Virginia, to help my constituents learn how to prevent Lyme disease from touching their families. Three medical doctors, including two county health departments, volunteered their time to share their expertise in Lyme-related issues.

Lyme disease is an illness caused by bacteria that are transmitted to people by the bite of an infected black-legged tick, also known as the deer tick, which is comparable in size to the tip of a ball point pen. With all of the natural beauty and outdoor activities in many of the congressional districts we represent, it's important we work to educate our constituents about this debilitating disease.

Speaking as a father of five and grandfather of 13, I worry about deer, mice, and even family pets transporting ticks and transmitting Lyme.

Incidents of Lyme disease are rising rapidly in Virginia and across the country. According to the Centers for disease Control and Prevention, from 1993 to 2007 reported cases of Lyme in Virginia have risen 909 percent. In that same time frame, reported cases are up 235 percent nationwide.

Lyme disease is frightening. Picture Boy Scouts and Girl Scouts camping during the summer months or children playing in the backyard, or joggers on bike paths through tree-lined neighborhoods—sharing the outdoors with a minute insect that can bring monumental health problems.

This Congress needs to get serious about stepping up to the plate, and making sure people in high risk areas are aware of this threat. H.R. 741—The Lyme and Tick-Borne disease Prevention, Education, and Research Act—legislation introduced by CHRIS SMITH with a host of original cosponsors from New York, Connecticut, Arizona, Illinois, Rhode Island, Washington, among others, now has collected well over 100 bipartisan cosponsors.

The bill, which would expand Federal efforts with respect to prevention, education, and research activities, will go a long way toward getting the word out about Lyme disease and the precautions people can take to ensure that they never have to suffer the consequences of chronic Lyme.

''An ounce of prevention is worth a pound of cure'' could not be a more appropriate adage for Lyme disease. Failure to recognize Lyme disease early in its course can result in the development of difficult to treat infections in the brain, eyes, joints, heart, and elsewhere in the body.

As public servants, we have given our word to do everything we can to protect the public interest. We are sorely lacking in Federal efforts to increase awareness and education about Lyme disease. Every year since 1998, legislation similar to H.R. 741 has been introduced in the House, and we have failed to act.

I urge every member to educate themselves on the Lyme statistics in their home state and take a close look at H.R. 741.

For those Members who sit on the Energy and Commerce Subcommittee on Health, I urge you to step forward and act to see that this bill is reported out of committee before the House completes its legislative business for the 110th Congress.

For the House leadership, I urge that this bill be placed on the calendar now for action. If we can spend time loading up the suspension calendar and voting on commemorative anniversaries and naming post offices, we surely can find time to address legislation that can make a difference in the lives of Americans.

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

I would just point out that on this and so many other issues it is amazing to me that the gentleman, who was in the majority for so many years and had so many opportunities to raise this and other issues, is somehow now suggesting that the Democrats are boxing it up. You know, Lyme has been around for a long time. The people concerned about this issue have been trying to address it for a long time. The bottom line, as the gentleman knows, it's a very controversial issue. We will certainly raise it, but he had ample opportunity, the many years that he was in the majority, to raise it and it just didn't happen.

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

Mr. SULLIVAN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 8½ minutes remaining.

Mr. SULLIVAN. Mr. Speaker, I yield as much time as he might consume to Mr. WOLF.

Mr. WOLF. This is a growing issue. It is becoming a more important issue and a new issue. If you look at the statistics, it is growing around the Nation, it is now becoming an epidemic. And so, when I now see an epidemic taking place in my congressional district, in your congressional district, through New Jersey, through Connecticut—if you talk to Senator DODD, he will tell you—through Massachusetts, all up and down the east coast, it is time to do something. And so I think it is time to deal with it.

And I see the gentleman from New Jersey here. You have blocked this bill for a long period of time. And I will tell you, I will not permit you to block it. And next year, I will offer amendment after amendment after amendment and do whatever I can to make sure that people who are impacted by this, to make sure that people who do not even know what may very well be threatening them will not be threatened.

I yield to the gentleman from New Jersey to also make some comments about this.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, first of all, I want to thank Mr. WOLF for raising this. I didn't know he was going to be doing it; I just saw him on the television.

Mr. WOLF. I didn't know I was going to be doing it until I saw the gentleman, Mr. PALLONE, standing up and taking this up on suspension.

Mr. SMITH of New Jersey. So I appreciate the gentleman yielding.

Let me just say, to clarify the record, this legislation, which would seek to lay bare the science about Lyme disease, the fact that I believe we do have an epidemic, the fact that Lyme often go misdiagnosed, underdiagnosed. It is called ''the great pretender'' because so many people have it and don't know it. It often masquerades as other kinds of anomalies manifesting in a person's body. And it is not until it gets to a chronic state—very often causing severe disability, including neurological damage—that people finally realize that they have Lyme disease.

There has been, unfortunately, a significant, I believe, cover up of the fact that chronic Lyme exists. The gentleman knows, we have asked him repeatedly, the gentleman from New Jersey, my good friend, Mr. PALLONE, this legislation has been pending in his subcommittee. He told Pat Smith—no relation to me—who runs a Lyme disease association, that this would get a hearing and would be marked up. It has not been marked up. And meanwhile, this epidemic is growing—it is exploding.

Now, let me just say for the enlightenment of my colleagues; the Infectious Disease Society of America,

which creates—and often does a very laudable job—the definitions, the parameters of what constitutes a certain disease, has looked at Lyme and said that chronic Lyme does not exist. Many of us have raised serious concerns about that because of what we believe to be conflicts of interest on the part of the panel members that made up the Lyme panel.

I would note parenthetically that CHRIS DODD is the prime sponsor of the comparison legislation that I've introduced on the House side. We have worked cooperatively on the legislation, so we have a companion bill on the Senate side. The legislation has over 110—I think it's 112—cosponsors, totally bipartisan, Democrats and Republicans alike rallying around this legislation.

The problem with the Infectious Disease Society of America is that these conflicts of interest, we believe, resulted in the conclusion that chronic Lyme doesn't exist. We don't know absolutely if that's the truth, but Attorney General Richard Blumenthal from Connecticut finally took a look at this and came back with a scathing insightful report that there were conflicts of interest. The red flag should go up everywhere.

What does my legislation do? As Mr. PALLONE knows, the legislation does not prescribe a protocol, as he has suggested. It simply calls for an advisory committee that would take a good, long look at Lyme disease and determine what is fact and fiction, and finally, for the sake of all of those who are suffering immensely from this disease and their families, say what we need to be doing to mitigate and hopefully stop the spread of Lyme, whether it be long-term and very heavy antibiotic treatment—which I believe probably is the case based on clinical practitioners who have suggested that to be the case—but we want an honest look.

As Mr. PALLONE knows, we did not get an honest look from the Infectious Disease Society of America. And I find that appalling. Conflict of interest with insurance companies has no place in modern medicine. And regrettably, and it has been—again, the full weight of the Attorney General's report clearly suggests, Richard Blumenthal of Connecticut, that there were significant conflicts of interest on the part of the panel members.

Our legislation says let's go where the science takes us. If the science says chronic Lyme exists, then all those patients and the insurance companies which need to be providing the coverage, to get the medicines and the like, like antibiotics—because what has happened, as my friend knows, because of this exclusion of chronic Lyme due to a problem in definition, the insurance companies say we don't have to pay. So when a patient presents with a bill of $100,000 or some excessive amount of money, the insurance companies say, not us, tough luck, we're not going to pay for it. And they go right back to what I believe to be a false definition that precludes chronic Lyme as a condition.

Now, you might think that chronic Lyme doesn't exist, I say to my friend, the chairman, but let's go where the science takes us. We need this advisory committee and we need it now. All points of view, as our legislation clearly suggests, has to be a part of this group. We want a robust debate, not something that is engineered by insurance companies.

Finally, the legislation would authorize $100 million over 5 years, $20 million each year. Frankly, if that drops off due to opposition to new authorization, and is only an authorization, I would like to see it go forward nevertheless, know this however, we're not spending enough on Lyme.

And Lyme is, as Mr. WOLF said so aptly, growing exponentially. CDC admits we are missing most of the cases. As many as 90 percent of the cases go unreported. Our state, Mr. PALLONE, as you know, is number three in prevalence according to CDC numbers, and even that is probably very much understated in terms of the actual prevalence of Lyme disease.

So I would make the appeal again, as I have made to my friend from New Jersey, as I have made to Mr. DINGELL, as I have made to Mr. BARTON and everyone else, this legislation ought to be on this floor and it ought to be on the floor today. It is truly bipartisan. There ought to be a consensus to go where the science takes us. And again, an advisory committee, a Blue Ribbon panel that would be configured under this legislation would finally end, hopefully, this contentious debate and tell us what it is and what it is not.

I have known dozens of people who have had chronic Lyme. Now, you might say it doesn't exist, the Infectious Disease Society says it doesn't exist. These victims suffer from the spirochete, and have suffered neurological damage, severe joint damage, and many, many other problems.

There is a new book called ''Cure Unknown'' that I would recommend to the House. I read it in one sitting because it is so incisive in finally breaking through the fog on this disease. People are walking around with Lyme and they don't even know it.

We need to bring the forces to bear of the U.S. Government that an advisory committee of this kind would do a Blue Ribbon panel, a 9/11-type panel of scientists, of the best people we can put together to say, put aside the egregiously flawed Infectious Diseases Society of America's finding, which Blumenthal said was riddled with conflict of interest—and I urge Members to read Blumenthal's opinion, I will put it in the RECORD so Members can read it—his findings were, ''atrocious, conflict of interest everywhere.''

This legislation ought to be on the floor and it ought to be on the floor today.

OFFICE OF THE ATTORNEY GENERAL,
Hartford, Connecticut, May 1, 2008.

ATTORNEY GENERAL'S INVESTIGATION REVEALS FLAWED LYME DISEASE GUIDELINE PROCESS, IDSA AGREES TO REASSESS GUIDELINES, INSTALL INDEPENDENT ARBITER

Attorney General Richard Blumenthal today announced that his antitrust investigation has uncovered serious flaws in the Infectious Diseases Society of America's (IDSA) process for writing its 2006 Lyme disease guidelines and the IDSA has agreed to reassess them with the assistance of an outside arbiter.

The IDSA guidelines have sweeping and significant impacts on Lyme disease medical care. They are commonly applied by nsurance companies in restricting coverage for long-term antibiotic treatment or other medical care and also strongly influence physician treatment decisions.

Insurance companies have denied coverage for long-term antibiotic treatment relying on these guidelines as justification. The guidelines are also widely cited for conclusions that chronic Lyme disease is nonexistent.

''This agreement vindicates my investigation—finding undisclosed financial interests and forcing a reassessment of IDSA guidelines,'' Blumenthal said. ''My office uncovered undisclosed financial interests held by several of the most powerful IDSA panelists. The IDSA's guideline panel improperly ignored or minimized consideration of alternative medical opinion and evidence regarding chronic Lyme disease, potentially raising serious questions about whether the recommendations reflected all relevant science.

''The IDSA's Lyme guideline process lacked important procedural safeguards requiring complete reevaluation of the 2006 Lyme disease guidelines—in effect a comprehensive reassessment through a new panel. The new panel will accept and analyze all evidence, including divergent opinion. An independent neutral ombudsman—expert in medical ethics and conflicts of interest, selected by both the IDSA and my office—will assess the new panel for conflicts of interests and ensure its integrity.''

Blumenthal's findings include the following: The IDSA failed to conduct a conflicts of interest review for any of the panelists prior to their appointment to the 2006 Lyme disease guideline panel;

Subsequent disclosures demonstrate that several of the 2006 Lyme disease panelists had conflicts of interest;

The IDSA failed to follow its own procedures for appointing the 2006 panel chairman and members, enabling the chairman, who held a bias regarding the existence of chronic Lyme, to handpick a likeminded panel without scrutiny by or formal approval of the IDSA's oversight committee;

The IDSA's 2000 and 2006 Lyme disease panels refused to accept or meaningfully consider information regarding the existence of chronic Lyme disease, once removing a panelist from the 2000 panel who dissented from the group's position on chronic Lyme disease to achieve ''consensus'';

The IDSA blocked appointment of scientists and physicians with divergent views on chronic Lyme who sought to serve on the 2006 guidelines panel by informing them that the panel was fully staffed, even though it was later expanded;

The IDSA portrayed another medical association's Lyme disease guidelines as corroborating its own when it knew that the two panels shared several authors, including the chairmen of both groups, and were working on guidelines at the same time. In allowing its panelists to serve on both groups at the same time, IDSA violated its own conflicts of interest policy.

IDSA has reached an agreement with Blumenthal's office calling for creation of a review panel to thoroughly scrutinize the 2006 Lyme disease guidelines and update or revise them if necessary. The panel—comprised of individuals without conflicts of interest—will comprehensively review medical and scientific evidence and hold a scientific hearing to provide a forum for additional evidence. It will then determine whether each recommendation in 2006 Lyme disease guidelines is justified by the evidence or needs revision or updating.

Blumenthal added, ''The IDSA's 2006 Lyme disease guideline panel undercut its credibility by allowing individuals with financial interests—in drug companies, Lyme disease diagnostic tests, patents and consulting arrangements with insurance companies—to exclude divergent medical evidence and opinion. In today's healthcare system, clinical practice guidelines have tremendous influence on the marketing of medical services and products, insurance reimbursements and treatment decisions. As a result, medical societies that publish such guidelines have a legal and moral duty to use exacting safeguards and scientific standards.

''Our investigation was always about the IDSA's guidelines process—not the science. IDSA should be recognized for its cooperation and agreement to address the serious concerns raised by my office. Our agreement with IDSA ensures that a new, conflicts-free panel will collect and review all pertinent information, reassess each recommendation and make necessary changes.

''This Action Plan—incorporating a conflicts screen by an independent neutral expert and a public hearing to receive additional evidence—can serve as a model for all medical organizations and societies that publish medical guidelines. This review should strengthen the public's confidence in such critical standards.''

THE GUIDELINE REVIEW PROCESS

Under its agreement with the Attorney General's Office, the IDSA will create a review panel of eight to 12 members, none of who served on the 2006 IDSA guideline panel. The IDSA must conduct an open application process and consider all applicants.

The agreement calls for the ombudsman selected by Blumenthal's office and the IDSA to ensure that the review panel and its chairperson are free of conflicts of interest.

Blumenthal and IDSA agreed to appoint Dr. Howard A. Brody as the ombudsman. Dr. Brody is a recognized expert and author on medical ethics and conflicts of interest and the director of the Institute for Medical Humanities at the University of Texas Medical Branch. Brody authored the book, ''Hooked: Ethics, the Medical Profession and the Pharmaceutical Industry.''

To assure that the review panel obtains divergent information, the panel will conduct an open scientific hearing at which it will hear scientific and medical presentations from interested parties. The agreement requires the hearing to be broadcast live to the public on the Internet via the IDSA's website. The Attorney General's Office, Dr. Brody and the review panel will together finalize the list of presenters at the hearing.

Once it has collected information from its review and open hearing, the panel will assess the information and determine whether the data and evidence supports each of the recommendations in the 2006 Lyme disease guidelines.

The panel will then vote on each recommendation in the IDSA's 2006 Lyme disease guidelines on whether it is supported by the scientific evidence. At least 75 percent of panel members must vote to sustain each recommendation or it will be revised.

Once the panel has acted on each recommendation, it will have three options: make no changes, modify the guidelines in part or replace them entirely.

The panel's final report will be published on the IDSA's website.

ADDITIONAL FINDINGS OF BLUMENTHAL'S INVESTIGATION

IDSA convened panels in 2000 and 2006 to research and publish guidelines for the diagnosis and treatment of Lyme disease. Blumenthal's office found that the IDSA disregarded a 2000 panel member who argued that chronic and persistent Lyme disease exists. The 2000 panel pressured the panelist to conform to the group consensus and removed him as an author when he refused.

IDSA sought to portray a second set of Lyme disease guidelines issued by the American Academy of Neurology (AAN) as independently corroborating its findings. In fact, IDSA knew that the two panels shared key members, including the respective panel chairmen and were working on both sets of guidelines at the same time—a violation of IDSA's conflicts of interest policy.

The resulting IDSA and AAN guidelines not only reached the same conclusions regarding the non-existence of chronic Lyme disease, their reasoning at times used strikingly similar language. Both entities, for example, dubbed symptoms persisting after treatment ''Post-Lyme Syndrome'' and defined it the same way.

When IDSA learned of the improper links between its panel and the AAN's panel, instead of enforcing its conflict of interest policy, it aggressively sought the AAN's endorsement to ''strengthen'' its guidelines' impact. The AAN panel—particularly members who also served on the IDSA panel—worked equally hard to win AAN's backing of IDSA's conclusions.

The two entities sought to portray each other's guidelines as separate and independent when the facts call into question that contention.

The IDSA subsequently cited AAN's supposed independent corroboration of its findings as part of its attempts to defeat federal legislation to create a Lyme disease advisory committee and state legislation supporting antibiotic therapy for chronic Lyme disease.

In a step that the British Medical Journal deemed ''unusual,'' the IDSA included in its Lyme guidelines a statement calling them ''voluntary'' with ''the ultimate determination of their application to be made by the physician in light of each patient's individual circumstances.'' In fact, United Healthcare, Health Net, Blue Cross of California, Kaiser Foundation Health Plan and other insurers have used the guidelines as justification to deny reimbursement for long-term antibiotic treatment.

Blumenthal thanked members of his office who worked on the investigation—Assistant Attorney General Thomas Ryan, former Assistant Attorney General Steven Rutstein and Paralegal Lorraine Measer under the direction of Assistant Attorney General Michael Cole, Chief of the Attorney General's Antitrust Department.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 18, 2007.

Hon. FRANK PALLONE, Jr.,
Chairman, Subcommittee on Health, House Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN PALLONE: As co-chairs of the congressional L.yme Disease Caucus, we are writing to respectfully request that you mark-up and report H.R. 741 or find a suitable legislative vehicle to attach significant provisions of this desperately needed legislation.

H.R. 741, the ''Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2007,'' would work toward goals for the prevention, accurate diagnosis, and effective treatment of Lyme disease and would authorize an increase in total research and education funding of $20 million per year over 5 years. The bill contains numerous measures to help ensure that resources are expended effectively to provide the most benefit to people with Lyme and other tick-borne diseases.

Introduced in January, this legislation currently has 77 bipartisan co-sponsors. It is supported by more than 60 Lyme disease organizations across the country. This legislation holds the promise to significantly improve the lives of the large numbers of Americans living with Lyme, as well as other tick-borne diseases, and their families and friends.

Lyme is the most prevalent vector-borne disease in the United States today. More than 220,000 Americans develop Lyme each year. According to the Centers for Disease Control & Prevention (CDC), only 10 percent of cases that meet its surveillance criteria are reported. Cases that fall outside the surveillance criteria are not even considered anywhere statistically.

If not diagnosed and treated early, Lyme disease can lead to chronic illness and can affect every system in the body, including the central nervous system and cardiac systems. Later symptoms of Lyme disease include arthritis, neurological problems, such as facial paralysis, encephalopathy, memory problems, weakness of the extremities, seizures, heart block and inflammation of the heart muscle, and even blindness.

In recent years, Lyme disease has continued an upward trend in endemic areas and also has expanded into more areas. Reported Lyme cases increase, by 100 percent from 1992 to 2004 according to CDC. Currently, all states except Montana have reported cases of Lyme disease. It even has been reported that Montana residents have gone outside of the State and tested positive for Lyme). It is far more common than all other insect-borne diseases. Now other diseases are being carried by the same ticks: babesiosis, naplasmosis, encephalitis, perhaps bartonelliosis.

While the emergence of Lyme disease in the Northeastern and mid-Atlantic states has been linked to reforestation, climate change also is an infuencing factor. According to a November 2005 report by the Center for Health and the Global Environment at the Harvard Medical School, ''Climate Change Futures: Health Ecological and Economic Dimensions,'' Lyme disease is spreading in North America and Europe as winters warm, ...'' In areas where Lyme disease is already present, warming temperatures may increase the density of ticks by increasing off-host survival.

Over the past decade and with the increase in Lyme cases, problems with diagnosis and treatment of Lyme disease have become much more visible—affecting larger numbers of people over longer periods of time. We have become increasing concerned with reports of patients who go long periods of time before getting a definitive diagnosis due to the lack of a gold standard diagnostic test and who received delayed or inappropriate treatment because of the lack of treating physicians nationwide and lack of physician education. Many patients lose their jobs and must apply for disability.

In consideration of these conditions the Federal investment in Lyme is surprisingly small—$5.4 million at CDC and $24 million at NIH in FY 2006, actual reductions at both agencies since 2004. While funding levels are a means to an end, the ultimate goal is to put an end to patients having their illnesses and disabilities greatly exacerbated by the lack of accurate diagnostics and effective

treatments. HR 741 addresses this goal by directing HHS to work toward development of a sensitive and accurate diagnostic test: improved surveillance and prevention, and clinical outcomes research to determine the long-term course of illness and the effectiveness of treatments. In addition, the bill would establish a Tick-Borne Disease Advisory Committee to ensure communication and coordination among federal agencies, medical professionals, and patients/patient advocates. The Lyme conmunity has been seeking this voice for a decade.

As Chairman of the Energy and Commerce Committee, we know that you share our commitment to significantly improve the health outlook for all citizens of this country, including the hundreds of thousands of Americans ho have experienced or will expenence the too common occurrence of being bitten by Ivodes srapularis, the deer tick or black legged tick, and contracting Lyme disease. Amblvomma americanum, the lone star tick, is rapidly spreading throughout the eountry from its former more southern habitat, and states in the northeast are beginning to feel its impact as it spreads STARI, a Lyme like illness with the same symptoms as Lyme disease. It also carries Ehrliehiosis or tularemia. Scientists are saying that this lone star is agessive and will pursue people from 30 feet away, not like the deer tick which wants for its prey sitting on vegetation.

To enure that these necessary goats are not lost, we respectfully request that you shcedule for a mark-up the Lyme and tick-home Disease Prevention, Education, and Research Act of 2007. If you have any questions on this matter, please do not hesitate to contact us.

Sincerely,

CHRISTOPHER H. SMITH,
Member of Congress.
TIM HOLDEN,
Member of Congress.

The SPEAKER pro tempore. All time from the gentleman from Oklahoma has expired.

The gentleman from New Jersey has 16 minutes remaining.

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

First of all, I want to say to the gentleman from New Jersey, he has made a lot of statements about my views on this subject which are simply not true, and I do not appreciate them.

Mr. SMITH of New Jersey. Will the gentleman yield?

Mr. PALLONE. Mr. Speaker, I have no intention of yielding to the gentleman because of the disrespect that he has shown.

Now, secondly, let me also say this: I do appreciate the fact that the gentleman from Virginia (Mr. WOLF) has, on several occasions, come up to me in the last few months and talked to me about this legislation. And we've had very reasoned conversations about the legislation. But I will also point out that the gentleman from New Jersey has not. The gentleman from New Jersey has not spoken to me at all about this legislation, and certainly not, in my recollection, in the last year. So if he felt it was so important, the way the gentleman from Virginia did, and has, he certainly had many opportunities to come up to me and talk to me about it. He has not. And I see the gentleman from New Jersey all the time—on the floor, at home, on various occasions. He has not spoken to me.

So I want to thank the gentleman from Virginia for at least saying that he has taken the time, had some reasoned discussions about it. That is not true of my colleague from New Jersey, which is why I deeply resent the fact that he's on the floor here today talking about it because it is the first time I recollect him ever talking to me about it.

Now, let me say a few other things. First of all, as far as the science is concerned, the science is in the Infectious Diseases Society and the CDC, not with the Attorney General and some political grandstanding that he's doing in Connecticut, nor with my colleague from New Jersey who is grandstanding here today.

I am very concerned about Lyme disease. I have been working with the CDC to address the issue. We are awaiting answers from the agency on how best to address this. I have, in fact, talked to many of my constituents about this, even though my own colleague hasn't talked to me about it from New Jersey.

And I also would like to say this: As far as the Infectious Diseases Association, they basically are the majority opinion. Many doctors, including my neighbors who are physicians in my hometown, very much agree with the Infectious Diseases Society and don't think that this should be treated with these antibiotics for a long period of time because they're concerned about the impact on people and whether they would be seriously injured or even die from the antibiotics.

There is a lot of controversy that involves this issue. It is very involved and it is very controversial. It shouldn't be considered today on a consent calendar. And that was the only point I was trying to make for my colleague from Virginia, that we need to have hearings. And we will have hearings on the issue in general, and we can include this bill as part of that in the next session. But to bring this up today on the consent calendar when they know very well that there is not agreement on this and we couldn't possibly get a UC or have this on the suspension calendar, it's really very upsetting, and particularly coming from my colleague from New Jersey, who has never talked to me about this at all.

Mr. DINGELL. Mr. Speaker, I support S. 3560, the "QI Supplemental Funding Act of 2008". The Qualified Individuals Program (QI) is a program within Medicaid that helps low-income seniors and individuals with disabilities pay their Medicare Part B premium. The Medicare Improvements for Patients and Providers Act of 2008 extended the funding for the QI program through December 2009.

Projections, however, regarding the amount of funding necessary to ensure continuation of this program through next year were incorrect. Without Congressional action to add an additional $45 million to the QI program, seniors and individuals with disabilities who have an income as low as $12,500 will be in jeopardy of losing this needed assistance.

The cost of this provision is fully offset with a provision that requires States to improve their Medicaid eligibility determinations by using the Public Assistance Reporting Information System (PARIS) interstate match. PARIS helps States share information regarding public assistance programs, such as Temporary Assistance for Needy Families (TANF), Food Stamps, and Medicaid, to identify individuals or families who may be receiving benefit payments in more than one State.

Similarly, S. 3560 includes a clarification to ensure that the Medicaid Integrity Program created in the Deficit Reduction Act of 2005, to operate as intended. The Medicaid Integrity Program performs audits and educates providers, Federal and State employees, and others on payment integrity and quality of care initiatives. The provision would allow for Federal reimbursement of state employees for these program integrity initiatives.

Finally, this package includes a provision which states that any antibiotic that was the subject of an application submitted to the Food and Drug Administration, but was not approved, can get the three-year and/or five-year "Hatch/Waxman exclusivity" or a patent term extension.

I urge all my colleagues in the House to vote in favor of S. 3560.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 3560.

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

A motion to reconsider was laid on the table.

□ 1345

PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5265) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have a motion at the desk.

The Clerk read as follows:

Mr. PALLONE of New Jersey moves that the House concur in the Senate amendment to H.R. 5265.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008''.

SEC. 2. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NIH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.

(a) TECHNICAL CORRECTION.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended by striking subsection (f) (relating to reports to Congress) and redesignating subsection (g) as subsection (f).

(b) AMENDMENTS.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1), by inserting ''the National Heart, Lung, and Blood Institute,'' after ''the Eunice Kennedy Shriver National Institute of Child Health and Human Development,'';

(2) in subsection (b)(1), by adding at the end of the following: ''Such centers of excellence shall be known as the 'Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers'.''; and

(3) by adding at the end the following:

''(g) CLINICAL RESEARCH.—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1).''.

SEC. 3. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.

Section 317Q of the Public Health Service Act (42 U.S.C. 247b–18) is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

''(d) DATA.—In carrying out this section, the Secretary may ensure that any data on patients that is collected as part of the Muscular Dystrophy STARnet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.

''(e) REPORTS AND STUDY.—

''(1) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, and annually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of the Congress a report—

''(A) concerning the activities carried out by MD STARnet site funded under this section during the year for which the report is prepared;

''(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and

''(C) that every 2 years outlines prospective data collection objectives and strategies.

''(2) TRACKING HEALTH OUTCOMES.—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.''.

SEC. 4. INFORMATION AND EDUCATION.

Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) REQUIREMENTS.—In carrying out this section, the Secretary may—

''(1) partner with leaders in the muscular dystrophy patient community;

''(2) cooperate with professional organizations and the patient community in the development and issuance of care considerations for Duchenne-Becker muscular dystrophy, and other forms of muscular dystrophy, and in periodic review and updates, as appropriate; and

''(3) widely disseminate the Duchenne-Becker muscular dystrophy and other forms of muscular dystrophy care considerations as broadly as possible, including through partnership opportunities with the muscular dystrophy patient community.''.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

AMERICAN PHARMACISTS MONTH

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 1437) expressing support for designation of the month of October as ''American Pharmacists Month'' and expressing the sense of the House of Representatives that all people in the United States should join in celebrating our Nation's pharmacists for their contributions to the health and well-being of our citizens, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1437

Whereas the United States is recognized globally as a hub of medical research and advances, where many diseases once correctly considered fatal now can be treated through sophisticated medical interventions including powerful medications;

Whereas we are at an unprecedented period in our history, a period when medication therapy is the treatment of choice for an ever-growing range of medical conditions, and the use of medication as a cost-effective alternative to more expensive medical procedures is becoming a major force in moderating overall health care costs;

Whereas many chronic health conditions can be managed so that individuals are able to lead more vital, productive, and satisfying lives;

Whereas with the complexity of medication therapy, it is critically important that all users of prescription and nonprescription medications, or their caregivers, be knowledgeable about and share responsibility for their own medication therapy;

Whereas more individuals are using powerful prescription medications and over-the-counter (OTC) products along with dietary supplements, herbals, and other products requiring patients to have a partner on their health care team to help navigate the complexities of using medications safely and effectively;

Whereas pharmacists, the medication experts on the health care team, are working collaboratively with patients, caregivers, and other health professionals to improve medication use and advance patient care in a myriad of settings;

Whereas pharmacists are improving health care in community pharmacies, hospitals and health systems, nursing homes and hospice centers, health plans, and in patient's own homes, as well as in the uniformed services, the government, and in research and academic settings;

Whereas while many people in the United States are concerned about the costs of their medications, the most expensive medication is the one that does not work as intended or is taken incorrectly, and billions of health care dollars are lost each year due to ineffective use of medications;

Whereas pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people, and today, there are more than 254,000 licensed pharmacists in the United States providing services to assure the rational and safe use of all medications; and

Whereas as medication therapy management improves the health outcomes of millions of people in the United States each year, the role of the pharmacist only strengthens in importance, and by consulting with physicians and other prescribers, providing proper medications, and helping patients understand their medications, pharmacists improve our health care system and save lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''American Pharmacists Month'' with the theme ''Know Your Medicine/Know Your Pharmacist'', encouraging people in the United States to identify a pharmacist as their own, to introduce themselves to that pharmacist, and to open a dialogue by asking questions;

(2) urges all citizens to celebrate America's pharmacists for their contributions to the health and well-being of our citizens and hereby support the designation of ''American Pharmacists Month''; and

(3) urges all citizens to acknowledge the valuable contributions made by pharmacists in providing safe, affordable, and beneficial medication therapy management services and products to the people of this Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

MERCURY EXPORT BAN ACT OF 2008

Mr. ALLEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 906) to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 906

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 ''Mercury Export Ban Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisinal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;

(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;

(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(f) MERCURY.—

''(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

''(B) a conveyance, sale, distribution, or transfer of coal.

''(3) LEASES OF FEDERAL COAL.—Nothing in this subsection prohibits the leasing of coal.''.

SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—

''(1) PROHIBITION.—Effective January 1, 2013, the export of elemental mercury from the United States is prohibited.

''(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.

''(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

''(A) REPORT.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2008, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes. Such report shall include an analysis of—

''(i) the sources and amounts of each of the mercury compounds imported into the United States or manufactured in the United States annually;

''(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently consumed annually for each purpose, and the estimated amounts to be consumed for each purpose in 2010 and beyond;

''(iii) the sources and amounts of each mercury compound exported from the United States annually in each of the last three years;

''(iv) the potential for these compounds to be processed into elemental mercury after export from the United States; and

''(v) other relevant information that Congress should consider in determining whether to extend the export prohibition to include one or more of these mercury compounds.

''(B) PROCEDURE.—For the purpose of preparing the report under this paragraph, the Administrator may utilize the information gathering authorities of this title, including sections 10 and 11.

''(4) ESSENTIAL USE EXEMPTION.—(A) Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an exemption for a specified use at an identified foreign facility if the Administrator finds that—

''(i) nonmercury alternatives for the specified use are not available in the country where the facility is located;

''(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;

''(iii) the country where the elemental mercury will be used certifies its support for the exemption;

''(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;

''(v) the elemental mercury will be used in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;

''(vi) the elemental mercury will be handled and managed in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts; and

''(vii) the export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce global mercury supply, use, and pollution.

''(B) Each exemption issued by the Administrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of elemental mercury and ensure that the conditions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mercury.

''(C) The Administrator may by order suspend or cancel an exemption under this paragraph in the case of a violation described in subparagraph (D).

''(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connection therewith, shall be considered a prohibited act under section 15, and shall be subject to penalties under section 16, injunctive relief under section 17, and citizen suits under section 20.

''(5) CONSISTENCY WITH TRADE OBLIGATIONS.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

''(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.''.

SEC. 5. LONG-TERM STORAGE.

(a) DESIGNATION OF FACILITY.—

(1) IN GENERAL.—Not later than January 1, 2010, the Secretary of Energy (referred to in this section as the ''Secretary'') shall designate a facility or facilities of the Department of Energy, which shall not include the Y–12 National Security Complex or any other portion or facility of the Oak Ridge Reservation of the Department of Energy, for the purpose of long-term management and storage of elemental mercury generated within the United States.

(2) OPERATION OF FACILITY.—Not later than January 1, 2013, the facility designated in paragraph (1) shall be operational and shall accept custody, for the purpose of long-term management and storage, of elemental mercury generated within the United States and delivered to such facility.

(b) FEES.—

(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility for long-term management and storage under the

program prescribed in subsection (a), and with other interested persons, the Secretary shall assess and collect a fee at the time of delivery for providing such management and storage, based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—

(A) shall be made publically available not later than October 1, 2012;

(B) may be adjusted annually; and

(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).

(2) COSTS.—The costs referred to in paragraph (1)(C) are the costs to the Department of Energy of providing such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, fire suppression, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a designated facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that the Secretary finds that the management and storage of elemental mercury accepted under the program under this section cannot be accomplished without construction of a new building or buildings.

(c) REPORT.—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately the costs associated with activities taken under this section.

(d) MANAGEMENT STANDARDS FOR A FACILITY.—

(1) GUIDANCE.—Not later than October 1, 2009, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and all appropriate State agencies in affected States, shall make available, including to potential users of the long-term management and storage program established under subsection (a), guidance that establishes procedures and standards for the receipt, management, and long-term storage of elemental mercury at a designated facility or facilities, including requirements to ensure appropriate use of flasks or other suitable shipping containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. In addition to such procedures and standards, elemental mercury managed and stored under this section at a designated facility shall be subject to the requirements of the Solid Waste Disposal Act, including the requirements of subtitle C of that Act, except as provided in subsection (g)(2) of this section. A designated facility in existence on or before January 1, 2013, is authorized to operate under interim status pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2015, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.

(2) TRAINING.—The Secretary shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

(3) EQUIPMENT.—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, monitoring, checking inventory, loading, and storing elemental mercury at the facility.

(4) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—

(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and

(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.

(e) INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).

(B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS.—No indemnification may be afforded under this subsection unless the person seeking indemnification—

(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought;

(B) furnishes to the Secretary copies of pertinent papers the person receives;

(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary, access to the records and personnel of the person for purposes of defending or settling the claim or action.

(3) AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(f) TERMS, CONDITIONS, AND PROCEDURES.—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.

(g) EFFECT ON OTHER LAW.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section changes or affects any Federal, State, or local law or the obligation of any person to comply with such law.

(2) EXCEPTION.—(A) Elemental mercury that the Secretary is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)). For the purposes of section 3004(j) of the Solid Waste Disposal Act, a generator accumulating elemental mercury destined for a facility designated by the Secretary under subsection (a) for 90 days or less shall be deemed to be accumulating the mercury to facilitate proper treatment, recovery, or disposal.

(B) Elemental mercury may be stored at a facility with respect to which any permit has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—

(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;

(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and

(iii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.

This subparagraph shall not apply to mercury with respect to which the owner or operator of the permitted facility fails to comply with a certification provided under clause (ii) or (iii).

(h) STUDY.—Not later than July 1, 2014, the Secretary shall transmit to the Congress the results of a study, conducted in consultation with the Administrator of the Environmental Protection Agency, that—

(1) determines the impact of the long-term storage program under this section on mercury recycling; and

(2) includes proposals, if necessary, to mitigate any negative impact identified under paragraph (1).

SEC. 6. REPORT TO CONGRESS.

At least 3 years after the effective date of the prohibition on export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2017, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. ALLEN) and the gentleman from Oklahoma (Mr. SULLIVAN) will each control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 906, the Senate companion to my legislation, the Mercury Export Ban of 2008.

This bill includes several changes that represent a compromise with the Senate, but at its heart is my legislation that passed with strong bipartisan support in the Energy and Commerce Committee and by voice vote on the floor of the House last November.

I want to thank Chairman DINGELL, former Chairman Wynn, Ranking Member BARTON and Mr. SHIMKUS for the work they have done on this legislation. I also want to express my gratitude to Senators OBAMA and MURKOWSKI for introducing this legislation on the Senate side and to Senator BOXER for her efforts. I would also like to thank Jim Bradley of my staff for all his hard work on this bill. Upon its passage today, this bill will be sent to the President to be signed into law.

It is a well-established fact that mercury is a powerful neurotoxin, harmful at even low levels of exposure. Mercury is harmful whether it is inhaled, ingested or absorbed through the skin. Once exposed to water, elemental mercury is transformed to methylmercury, which is highly toxic and which has a tendency to bio-accumulate in both fish and humans who eat the fish.

Very young children with developing nervous systems are particularly at risk. In addition, pregnant mothers who are exposed to mercury pollution can transmit mercury to their unborn children, increasing the chances of miscarriage and birth defects. Mercury can also be found in high concentrations in women's breast milk.

My bill seeks to combat a large source of mercury pollution worldwide, namely, the export of elemental mercury from the United States to developing countries. This mercury is used largely for our artisanal mining. Exposure occurs when miners handle the mercury. It enters the water when miners pan for gold and gets into the air through the smelting process which emits mercury vapor.

According to the United Nations Environmental Programme, approximately 15 million people worldwide, including 4.5 million women and 1 million children, engage in artisanal mining with mercury, exposing them to the poisons that mercury produces. Some of this mercury is exported from the United States. That should be unacceptable to us.

The export of mercury for artisanal mining harms Americans who are exposed through the global air transport of mercury pollution or through the consumption of mercury-contaminated fish.

The Environmental Protection Agency reports that as of 2004, 44 States, including my State of Maine, have fish advisories that cover 13 million acres of water and over 75,000 miles of rivers and streams.

Scientists have estimated that up to one-third of U.S. mercury air pollution has traveled to the U.S. from Asia where mercury pollution is extensive, including pollution from mercury exported for artisanal mining.

Much of the fish we eat, including tuna, is imported from off the coasts of Asian and South American countries where the use of mercury in artisanal mining is widespread.

The Departments of Defense and Energy are the two largest holders of mercury in the United States. The Environmental Protection Agency has urged DOE and DOD not to sell its mercury stockpiles due to the serious human health and environmental risks associated with mercury. DOD and DOE have agreed. However, that ban is not in law, which is why my bill prohibits the Federal Government from exporting mercury. In addition, private companies may still export this poisonous and hazardous material, which is why this legislation is vital.

The Mercury Export Ban Act before us today is the result of a months-long stakeholder process on House side that worked to develop a consensus product. Stakeholders included the Natural Resources Defense Council, the Environmental Council of the States, the American Chemistry Council, the Chlorine Institute and the National Mining Association. There are not many pieces of legislation that move through this Congress supported by such a diverse group.

The bill prohibits the export of elemental mercury from the United States and requires DOE to designate a long-term storage facility to accept mercury from private sector sources, particularly the chlor-alkali industry and the mining industry, when the export ban in the bill takes effect on January 1, 2013. The bill does not require that all excess mercury be transferred to DOE, rather it gives the private sector the option of placing mercury into storage at DOE. If there is a more practical or more cost-effective private sector solution, the affected industries are more than welcome to pursue that option.

DOE will be allowed to charge a fee to recoup the government's cost of storing this waste. In addition, all applicable and appropriate environmental laws apply with respect to this facility.

The legislation will allow the chlor-alkali industry to place into safe storage the roughly 1,500 tons of mercury stockpiled at aging plants. It will also allow the mining industry to store the approximately 50 to 100 tons of mercury it generates annually as a byproduct of our air filtration systems.

The process used to develop this legislation can be a modeled. On a bipartisan basis, we sat down together. We worked out our differences and brought interested and affected parties to the table to hammer out a compromise.

I also want to thank a number of staff on the Energy and Commerce Committee, including Dick Frandsen, Caroline Ahearn from the majority staff, along with Ann Strickland, who has now left, as well as Dave McCarthy and Jerry Couri from the minority staff and Mo Zilly, formerly of Mr. SHIMKUS' staff, for their hard work as well.

Mr. Speaker, this is good legislation, and I urge all Members to support its passage.

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

Mr. SULLIVAN. Mr. Speaker, thank you for yielding me the time in supporting this legislation to reduce mercury exports from the United States.

I am pleased that this bill has come back to us from the Senate and want to congratulate all the people who have worked so hard to make this legislation a reality. This bill is proof that people of all political stripes can come together for the common good. It is a shining example of how our process in Congress can work and work well if given the chance.

Elemental mercury presents a serious American health concern even when it is mishandled in distant countries. Specifically, this form of mercury converts into neurotoxic methylmercury that comes back to the United States in the form of tainted fish and polluted air.

This legislation attempts to break the global transport cycle of mercury by banning the export of elemental mercury in 2010. It does not cover coal exports and is not intended to cover fly ash exports from coal combustion or elemental mercury in manufactured consumer products.

This bill also assures that domestic stocks of elemental mercury, which are a valuable commodity, have someplace to go. Under the consensus language we are considering, a safe domestic storage option will open when the ban commences. Further, the legislation does not preclude private storage solutions. I am glad that this bill allows enterprising folks to facilitate good environmental policy.

In addition, I am pleased this bill recognizes that we should not punish people who do the right thing. Private entities who want to take advantage of the government-sponsored storage option must pay their fair share, but they will be indemnified against any environmental damage after the government takes possession of their mercury. This is commonsense policy and a key feature of ensuring that the proper handling and the safe, long-term storage of elemental mercury occurs.

Mr. Speaker, I am pleased with the compromise, bipartisan legislation. It represents the serious give and take by both parties. I hope that efforts like this will continue to be more the norm than the exception throughout this Congress and future ones as well.

I urge my colleagues to support S. 906.

And I would like to yield such time as he may consume to the gentleman from New Jersey to address another concern.

Mr. SMITH of New Jersey. I rise in strong support of S. 906, the Mercury Market Minimization Act of 2007.

Mr. Speaker, again, I didn't get a chance when Mr. PALLONE was here to correct the Record. I—we—did contact

Congressman FRANK PALLONE and NATHAN DEAL by way of letter on May 18, 2007, and wrote at the time as cochairs of the Congressional Lyme and Disease Caucus, ''we are writing to respectfully request that you mark up and report H.R. 741.

''H.R. 741, the 'Lyme and Tick-borne Disease Prevention, Education and Research Act of 2007' would work toward goals for the prevention, accurate diagnosis, and effective treatment of Lyme disease.''

Then we went on to explain the bill. We pointed out that at the time we had 77 cosponsors. That is now 112 and it is totally bipartisan and includes majority leader STENY HOYER. We also pointed out that Lyme is the most prevalent vector-borne disease in the United States today. More than 220,000 Americans develop Lyme each year. According to the CDC, only 10 percent of the cases that meet its surveillance criteria are reported. Cases that fall outside of the surveillance criteria are not even considered anywhere statistically.

If not diagnosed and treated early, Lyme disease can lead to chronic illness and can affect every system in the body, including the central nervous system and cardiac system. Later symptoms of Lyme disease include arthritis, neurological problems such as facial paralysis, memory problems, extreme weaknesses of the extremities, seizures, heart block and inflammation and even blindness.

So we sent that back in May 18, 2007. And I say that with respect to my colleague.

Let me also point out, and I just will read a very small portion of the statement of Attorney General Richard Blumenthal, the attorney general of Connecticut. And this is his statement.

''Attorney General Richard Blumenthal today announced,'' and this is May 1, 2008, ''that his antitrust investigation has uncovered serious flaws in the Infectious Disease Society of America's process for writing its 2006 Lyme disease guidelines and the IDSA has agreed to reassess them with the assistance of an outside arbiter.''

''The IDSA guidelines have sweeping,'' this is Blumenthal speaking, ''have sweeping and significant impacts on Lyme disease medical care. They are commonly applied by insurance companies in restricting coverage for long-term antibiotic treatment or other medical care and also strongly influence treatment decisions by physicians.

□ 1400

''Insurance companies have denied coverage for long-term antibiotic treatment, relying on those guidelines as justification. The guidelines are also widely cited for conclusions that chronic Lyme disease is nonexistent.''

Blumenthal goes on to say: ''This agreement vindicates my investigation finding undisclosed financial interests and forcing a reassessment of IDSA's guidelines.''

Blumenthal said: ''My office uncovered undisclosed financial interests held by several,'' several, ''of the most powerful IDSA panelists. The IDSA's guideline panel improperly ignored or minimized consideration of alternative medical opinion and evidence regarding chronic Lyme disease, potentially raising serious questions about whether the recommendations reflected all relevant science. The IDSA's Lyme disease guideline process lacked important procedural safeguards requiring complete reevaluation of its 06 Lyme disease guideline, in effect a comprehensive reassessment through a new panel.''

Blumenthal, and I will put this in the RECORD, talks about the conflicts of interest with the insurance companies. Again, I would think this Congress would want to get to the science, find out does chronic Lyme exists, and whether or not this is indeed a coverup.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) will now control the remainder of the time for the gentleman from Oklahoma.

There was no objection.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. ALLEN) that the House suspend the rules and pass the Senate bill, S. 906.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. Fiscal year 2009.

TITLE II—EARTH SCIENCE

Sec. 201. Goal.
Sec. 202. Governance of United States Earth Observations activities.
Sec. 203. Decadal survey missions.
Sec. 204. Transitioning experimental research into operational services.
Sec. 205. Landsat thermal infrared data continuity.
Sec. 206. Reauthorization of Glory Mission.
Sec. 207. Plan for disposition of Deep Space Climate Observatory.
Sec. 208. Tornadoes and other severe storms.

TITLE III—AERONAUTICS

Sec. 301. Sense of Congress.
Sec. 302. Environmentally friendly aircraft research and development initiative.
Sec. 303. Research alignment.
Sec. 304. Research program to determine perceived impact of sonic booms.
Sec. 305. External review of NASA's aviation safety-related research programs.
Sec. 306. Aviation weather research plan.
Sec. 307. Funding for research and development activities in support of other mission directorates.
Sec. 308. Enhancement of grant program on establishment of university-based centers for research on aviation training.

TITLE IV—EXPLORATION INITIATIVE

Sec. 401. Sense of Congress.
Sec. 402. Reaffirmation of exploration policy.
Sec. 403. Stepping stone approach to exploration.
Sec. 404. Lunar outpost.
Sec. 405. Exploration technology development.
Sec. 406. Exploration risk mitigation plan.
Sec. 407. Exploration crew rescue.
Sec. 408. Participatory exploration.
Sec. 409. Science and exploration.
Sec. 410. Congressional Budget Office report update.

TITLE V—SPACE SCIENCE

Sec. 501. Technology development.
Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.
Sec. 503. Mars exploration.
Sec. 504. Importance of a balanced science program.
Sec. 505. Suborbital research activities.
Sec. 506. Restoration of radioisotope thermoelectric generator material production.
Sec. 507. Assessment of impediments to interagency cooperation on space and Earth science missions.
Sec. 508. Assessment of cost growth.
Sec. 509. Outer planets exploration.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. Plan to support operation and utilization of the ISS beyond fiscal year 2015.
Sec. 602. International Space Station National Laboratory Advisory Committee.
Sec. 603. Contingency plan for cargo resupply.
Sec. 604. Sense of Congress on use of Space Life Sciences Laboratory at Kennedy Space Center.

Subtitle B—Space Shuttle

Sec. 611. Space Shuttle flight requirements.
Sec. 612. United States commercial cargo capability status.
Sec. 613. Space Shuttle transition.

Sec. 614. Aerospace skills retention and investment reutilization report.
Sec. 615. Temporary continuation of coverage of health benefits.
Sec. 616. Accounting report.
Subtitle C—Launch Services
Sec. 621. Launch services strategy.
TITLE VII—EDUCATION
Sec. 701. Response to review.
Sec. 702. External review of explorer schools program.
Sec. 703. Sense of Congress on EarthKAM and robotics competitions.
Sec. 704. Enhancement of educational role of NASA.
TITLE VIII—NEAR-EARTH OBJECTS
Sec. 801. Reaffirmation of policy.
Sec. 802. Findings.
Sec. 803. Requests for information.
Sec. 804. Establishment of policy with respect to threats posed by near-earth objects.
Sec. 805. Planetary radar capability.
Sec. 806. Arecibo observatory.
Sec. 807. International resources.
TITLE IX—COMMERCIAL INITIATIVES
Sec. 901. Sense of Congress.
Sec. 902. Commercial crew initiative.
TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES
Sec. 1001. Review of information security controls.
Sec. 1002. Maintenance and upgrade of Center facilities.
Sec. 1003. Assessment of NASA laboratory capabilities.
Sec. 1004. Study and report on project assignment and work allocation of field centers.
TITLE XI—OTHER PROVISIONS
Sec. 1101. Space weather.
Sec. 1102. Initiation of discussions on development of framework for space traffic management.
Sec. 1103. Astronaut health care.
Sec. 1104. National Academies decadal surveys.
Sec. 1105. Innovation prizes.
Sec. 1106. Commercial space launch range study.
Sec. 1107. NASA outreach program.
Sec. 1108. Reduction-in-force moratorium.
Sec. 1109. Protection of scientific credibility, integrity, and communication within NASA.
Sec. 1110. Sense of Congress regarding the need for a robust workforce.
Sec. 1111. Methane inventory.
Sec. 1112. Exception to alternative fuel procurement requirement.
Sec. 1113. Sense of Congress on the importance of the NASA Office of Program Analysis and Evaluation.
Sec. 1114. Sense of Congress on elevating the importance of space and aeronautics within the Executive Office of the President.
Sec. 1115. Study on leasing practices of field centers.
Sec. 1116. Cooperative unmanned aerial vehicle activities.
Sec. 1117. Development of enhanced-use lease policy.
Sec. 1118. Sense of Congress with respect to the Michoud Assembly Facility and NASA's other centers and facilities.
Sec. 1119. Report on U.S. industrial base for launch vehicle engines.
Sec. 1120. Sense of Congress on precursor International Space Station research.
Sec. 1121. Limitation on funding for conferences.
Sec. 1122. Report on NASA efficiency and performance.

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

There are authorized to be appropriated to NASA for fiscal year 2009 $20,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Intra-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $4,886,000,000, of which—

(A) $3,886,000,000 shall be for baseline exploration activities, of which $100,000,000 shall be for the activities under sections 902(a)(4) and 902(d), such funds to remain available until expended; no less than $1,101,400,000 shall be for the Orion Crew Exploration Vehicle; no less than $1,018,500,000 shall be for Ares I Crew Launch Vehicle; and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program (of which $30,000,000 shall be for the lunar lander mission), $276,500,000 shall be for International Space Station-related research and development activities, and $355,000,000 shall be for research and development activities not related to the International Space Station; and

(B) $1,000,000,000 shall be available to be used to accelerate the initial operating capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle, to remain available until expended.

(4) For Education, $128,300,000, of which $14,200,000 shall be for the Experimental Program to Stimulate Competitive Research and $32,000,000 shall be for the Space Grant program.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for research utilization of the International Space Station National Laboratory, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves

and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000, of which $4,000,000 shall be for the program established under section 1107(a), to remain available until expended.

(7) For Inspector General, $35,500,000.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall, together with NOAA and other relevant agencies, provide United States leadership in developing and carrying out a cooperative international Earth observations-based research program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) STUDY.—The Director of OSTP shall consult with NASA, NOAA, and other relevant agencies with an interest in Earth observations and enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.

(b) PLAN.—The Administrator shall consult with all agencies referenced in the survey as responsible for spacecraft missions and prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended for NASA to conduct as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with NOAA and other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 208. TORNADOES AND OTHER SEVERE STORMS.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes and other severe storms, tornado-force winds, and other factors determined to influence the development of tornadoes and other severe storms, with the goal of improving the Nation's ability to predict tornados and other severe storms. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado and severe storm research.

TITLE III—AERONAUTICS

SEC. 301. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) aeronautics research continues to be an important core element of NASA's mission and should be supported;

(2) NASA aeronautics research should be guided by and consistent with the national policy to guide aeronautics research and development programs of the United States developed in accordance with section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611); and

(3) technologies developed by NASA as described in paragraph (2) would help to secure the leadership role of the United States in global aviation and greatly enhance competitiveness of the United States in aeronautics in the future.

SEC. 302. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 303. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 302, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 304. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing appropriate sonic boom standards for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms. The data could enable the promulgation of appropriate standards for overland commercial supersonic flight operations.

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

SEC. 305. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review required in subsection (a).

SEC. 306. AVIATION WEATHER RESEARCH PLAN.

The Administrator and the Administrator of NOAA shall develop a collaborative research plan on convective weather events. The goal of the research is to significantly improve the reliability of 2-hour to 6-hour aviation weather forecasts. Within 270 days after the date of enactment of this Act, the Administrator and the Administrator of NOAA shall submit this plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

SEC. 307. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 308. ENHANCEMENT OF GRANT PROGRAM ON ESTABLISHMENT OF UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.

TITLE IV—EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals. When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.

SEC. 402. REAFFIRMATION OF EXPLORATION POLICY.

Congress hereby affirms its support for—

(1) the broad goals of the space exploration policy of the United States, including the eventual return to and exploration of the Moon and other destinations in the solar system and the important national imperative of independent access to space;

(2) the development of technologies and operational approaches that will enable a sustainable long-term program of human and robotic exploration of the solar system;

(3) activity related to Mars exploration, particularly for the development and testing of technologies and mission concepts needed for eventual consideration of optional mission architectures, pursuant to future authority to proceed with the consideration and implementation of such architectures; and

(4) international participation and cooperation, as well as commercial involvement in space exploration activities.

SEC. 403. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international partners, to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 404. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that NASA should make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 405. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall carry out a program of long-term exploration-related technology research and development, including such things as in-space propulsion, power systems, life support, and advanced avionics, that is not tied to specific flight projects. The program shall have the funding goal of ensuring that the technology research and development can be completed in a timely manner in order to support the safe, successful, and sustainable exploration of the solar system. In addition, in order to ensure that the broadest range of innovative concepts and technologies are captured, the long-term technology program shall have the goal of having a significant portion of its funding available for external grants and contracts with universities, research institutions, and industry.

SEC. 406. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 407. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 408. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks, shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies. As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts and other agreements with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public, and shall identify issues associated with such contracts and other agreements. In any such contracts and other agreements, NASA shall adhere to a transparent bidding process to award such contracts and other agreements, pursuant to United States law. As part of this plan, the Administrator shall include estimates of associated costs.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 409. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic; science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

SEC. 410. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human space flight that will replace the Space Shuttle program.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish an intra-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the intra-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair to the extent practicable and appropriate.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small-, medium-, and large-sized space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation.

SEC. 505. SUBORBITAL RESEARCH ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, and suborbital reusable launch vehicles, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program. It is further the sense of Congress that funding for suborbital research activities should be considered part of the contribution of NASA to United States competitive and educational enhancement and should represent increased funding as contemplated in section 2001 of the America COMPETES Act (42 U.S.C. 16611(a)).

(b) REVIEW OF SUBORBITAL MISSION CAPABILITIES.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academies to conduct a review of the suborbital mission capabilities of NASA.

(2) MATTERS REVIEWED.—The review required by paragraph (1) shall include a review of the following:

(A) Existing programs that make use of suborbital flights.

(B) The status, capability, and availability of suborbital platforms, and the infrastructure and workforce necessary to support them.

(C) Existing or planned launch facilities for suborbital missions.

(D) Opportunities for scientific research, training, and educational collaboration in the conduct of suborbital missions by NASA, especially as they relate to the findings and recommendations of the National Academies decadal surveys and report on ''Building a Better NASA Workforce: Meeting the Workforce Needs for the National Vision for Space Exploration''.

(3) REPORT.—

(A) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review required by this subsection.

(B) CONTENTS.—The report required by this paragraph shall include a summary of the review; the findings of the Administrator with respect to such review; recommendations regarding the growth of suborbital launch programs conducted by NASA; and the steps necessary to ensure such programs are conducted using domestic launch facilities to the maximum extent practicable, including any rationale and justification for using non-domestic facilities for such missions.

SEC. 506. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENTS.—The Administrator, in consultation with other agencies with space science programs, shall enter into an arrangement with the National Academies to assess impediments, including cost growth, to the successful conduct of interagency cooperation on space science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space science missions. As part of the same arrangement with the National Academies, the Administrator, in consultation with NOAA and other agencies with civil Earth observation systems, shall have the National Academies assess impediments, including cost growth, to the successful conduct of interagency cooperation on Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on Earth science missions.

(b) REPORT.—The report of the assessments carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 508. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large-, medium-, and small-sized space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 509. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. PLAN TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.

(a) IN GENERAL.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2015.

(b) PLAN TO SUPPORT OPERATIONS AND UTILIZATION OF THE INTERNATIONAL SPACE STATION BEYOND FISCAL YEAR 2015.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to support the operations and utilization of the International Space Station beyond fiscal year 2015 for a period of not less than 5 years. The plan shall be an update and expansion of the operation plan of the International Space Station National Laboratory submitted to Congress in May 2007 under section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767).

(2) CONTENT.—

(A) REQUIREMENTS TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.—As part of the plan required in paragraph (1), the Administrator shall provide each of the following:

(i) A list of critical hardware necessary to support International Space Station operations through the year 2020.

(ii) Specific known or anticipated maintenance actions that would need to be performed to support International Space Station operations and research through the year 2020.

(iii) Annual upmass and downmass requirements, including potential vehicles that will deliver such upmass and downmass, to support the International Space Station after the retirement of the Space Shuttle Orbiter and through the year 2020.

(B) ISS NATIONAL LABORATORY RESEARCH MANAGEMENT PLAN.—As part of the plan required in paragraph (1), the Administrator shall develop a Research Management Plan for the International Space Station. Such Plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. Such Plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. Such Plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. Such Plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The Administrator may request the support of the National Academy of Sciences or other appropriate independent entity, including an external consultant, in developing the Plan.

(C) ESTABLISHMENT OF PROCESS FOR ACCESS TO NATIONAL LABORATORY.—As part of the plan required in paragraph (1), the Administrator shall—

(i) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(ii) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station.

(D) ASSESSMENT OF EQUIPMENT TO SUPPORT RESEARCH.—As part of the plan required in paragraph (1), the Administrator shall—

(i) provide a list of critical hardware that is anticipated to be necessary to support nonexploration-related and exploration-related research through the year 2020;

(ii) identify existing research equipment and racks and support equipment that are manifested for flight; and

(iii) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station.

(E) BUDGET PLAN.—As part of the plan required in paragraph (1), the Administrator shall provide a budget plan that reflects the anticipated use of such activities and the projected amounts to be required for fiscal years 2010 through 2020 to accomplish the objectives of the activities described in subparagraphs (A) through (D).

SEC. 602. INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish under the Federal Advisory Committee Act a committee to be known as the ''International Space Station National Laboratory Advisory Committee'' (hereafter in this section referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of individuals representing organizations who have formal agreements with NASA to utilize the United States portion of the International Space Station, including allocations within partner elements.

(2) CHAIR.—The Administrator shall appoint a chair from among the members of the Committee, who shall serve for a 2-year term.

(c) DUTIES OF THE COMMITTEE.—

(1) IN GENERAL.—The Committee shall monitor, assess, and make recommendations regarding effective utilization of the International Space Station as a national laboratory and platform for research.

(2) ANNUAL REPORT.—The Committee shall submit to the Administrator, on an annual basis or more frequently as considered necessary by a majority of the members of the Committee, a report containing the assessments and recommendations required by paragraph (1).

(d) DURATION.—The Committee shall exist for the life of the International Space Station.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS ON USE OF SPACE LIFE SCIENCES LABORATORY AT KENNEDY SPACE CENTER.

It is the sense of Congress that the Space Life Sciences Laboratory at Kennedy Space Center represents a key investment and asset in the International Space Station National Laboratory capability. The laboratory is specifically designed to provide pre-flight, in-flight, and post-flight support services for International Space Station end-users, and should be utilized in this manner when appropriate.

Subtitle B—Space Shuttle

SEC. 611. SPACE SHUTTLE FLIGHT REQUIREMENTS.

(a) REPORT ON U.S. HUMAN SPACEFLIGHT CAPABILITIES.—Section 501(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(c)) is amended by striking the matter before paragraph (1) and inserting the following: ''Not later than 90 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the lack of a United States human space flight system to replace the Space Shuttle upon its planned retirement, currently scheduled for 2010, and the ability of the United States to uphold the policy described in subsection (a), including a description of—''.

(b) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle, currently scheduled for 2010.

(c) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER AND OTHER SCIENTIFIC EQUIPMENT AND PAYLOADS TO THE INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—In addition to the flying of the baseline manifest as described in subsection (b), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer and other scientific equipment and payloads to the International Space Station prior to the retirement of the Space Shuttle. The purpose of the mission required to be planned under this subsection shall be to ensure the active use of the United States portion of the International Space Station as a National Laboratory by the delivery of the Alpha Magnetic Spectrometer, and to the extent practicable, the delivery of flight-ready research experiments prepared under the Memoranda of Understanding between NASA and other entities to facilitate the utilization of the International Space Station National Laboratory, as well as other fundamental and applied life sciences and other microgravity research experiments to the International Space Station as soon as the assembly of the International Space Station is completed.

(2) FLIGHT SCHEDULE.—If the Administrator, within 12 months before the scheduled date of the additional Space Shuttle flight authorized by paragraph (1), determines that—

(A) NASA will be unable to meet that launch date before the end of calendar year 2010, unless the President decides to extend Shuttle operations beyond 2010, or

(B) implementation of the additional flight requirement would, in and of itself, result in—

(i) significant increased costs to NASA over the cost estimate of the additional flight as determined by the Independent Program Assessment Office, or

(ii) unacceptable safety risks associated with making the flight before termination of the Space Shuttle program,

the Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology of the determination, and provide a detailed explanation of the basis for that determination. After the notification is provided to the Committees, the Administrator shall remove the flight from the Space Shuttle schedule unless the Congress by law reauthorizes the flight or the President certifies that it is in the national interest to fly the mission.

(d) TERMINATION OR SUSPENSION OF ACTIVITIES THAT WOULD PRECLUDE CONTINUED FLIGHT OF SPACE SHUTTLE PRIOR TO REVIEW BY THE INCOMING 2009 PRESIDENTIAL ADMINISTRATION.—

(1) IN GENERAL.—The Administrator shall terminate or suspend any activity of the Agency that, if continued between the date of enactment of this Act and April 30, 2009, would preclude the continued safe and effective flight of the Space Shuttle after fiscal year 2010 if the first President inaugurated on January 20, 2009, were to make a determination to delay the Space Shuttle's scheduled retirement.

(2) REPORT ON IMPACT OF COMPLIANCE.—Within 90 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress describing the expected budgetary and programmatic impacts from compliance with paragraph (1). The report shall include—

(A) a summary of the actions taken to ensure the option to continue space shuttle flights beyond the end of fiscal year 2010 is not precluded before April 30, 2009;

(B) an estimate of additional costs incurred by each specific action identified in the summary provided under subparagraph (A);

(C) a description of the proposed plan for allocating those costs among anticipated fiscal year 2009 appropriations or existing budget authority;

(D) a description of any programmatic impacts within the Space Operations Mission Directorate that would result from reallocations of funds to meet the requirements of paragraph (1);

(E) a description of any additional authority needed to enable compliance with the requirements of paragraph (1); and

(F) a description of any potential disruption to the timely progress of development milestones in the preparation of infrastructure or workforce requirements for shuttle follow-on launch systems.

(e) REPORT ON IMPACTS OF SPACE SHUTTLE EXTENSION.—Within 120 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress outlining options, impacts, and associated costs of ensuring the safe and effective operation of the Space Shuttle at the minimum rate necessary to support International Space Station operations and resupply, including for both a near-term, 1-to-2 year extension of Space Shuttle operations and for a longer term, 3-to-6 year extension. The report shall include an assessment of—

(1) annual fixed and marginal costs, including identification and cost impacts of options for cost-sharing with the Constellation program and including the impact of those cost-sharing options on the Constellation program;

(2) the safety of continuing the use of the Space Shuttle beyond 2010, including a probability risk assessment of a catastrophic accident before completion of the extended Space Shuttle flight program, the underlying assumptions used in calculating that probability, and comparing the associated safety risks with those of other existing and planned human-rated launch systems, including the Soyuz and Constellation vehicles;

(3) a description of the activities and an estimate of the associated costs that would be needed to maintain or improve Space Shuttle safety throughout the periods described in the first sentence of this subsection were the President inaugurated on January 20, 2009, to extend Space Shuttle operations beyond 2010, the correctly anticipated date of Space Shuttle retirement;

(4) the impacts on facilities, workforce, and resources for the Constellation program and on the cost and schedule of that program;

(5) assumptions regarding workforce, skill mix, launch and processing infrastructure, training, ground support, orbiter maintenance and vehicle utilization, and other relevant factors, as appropriate, used in deriving the cost and schedule estimates for the options studied;

(6) the extent to which program management, processes, and workforce and contractor assignments can be integrated and streamlined for maximum efficiency to support continued shuttle flights while transitioning to the Constellation program, including identification of associated cost impacts on both the Space Shuttle and the Constellation program;

(7) the impact of a Space Shuttle flight program extention on the United States' dependence on Russia for International Space Station crew rescue services; and

(8) the potential for enhancements of International Space Station research, logistics, and maintenance capabilities resulting from extended Shuttle flight operations and the costs associated with implementing any such enhancements.

SEC. 612. UNITED STATES COMMERCIAL CARGO CAPABILITY STATUS.

The Administrator shall determine the degree to which an increase in the amounts authorized to be appropriated under section 101(3) for the Commercial Orbital Transportation Services project to be used by Phase One team members of such project in fiscal year 2009 would reasonably be expected to accelerate development of Capabilities A, B, and C of such project to an effective operations capability as close to 2010 as possible.

SEC. 613. SPACE SHUTTLE TRANSITION.

(a) DISPOSITION OF SHUTTLE-RELATED ASSETS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a plan describing the process for the disposition of the remaining Space Shuttle Orbiters and other Space Shuttle program-related hardware after the retirement of the Space Shuttle fleet.

(2) PLAN REQUIREMENTS.—The plan submitted under paragraph (1) shall include a description of a process by which educational institutions, science museums, and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program hardware.

(3) PROHIBITION ON DISPOSITION BEFORE COMPLETION OF PLAN.—The Administrator shall not dispose of any Space Shuttle program hardware before the plan required by paragraph (1) is submitted to Congress.

(b) SPACE SHUTTLE TRANSITION LIAISON OFFICE.—

(1) ESTABLISHMENT.—The Administrator shall develop a plan and establish a Space Shuttle Transition Liaison Office within the Office of Human Capital Management of NASA to assist local communities affected by the termination of the Space Shuttle program in mitigating the negative impacts on such communities caused by such termination. The plan shall define the size of the affected local community that would receive assistance described in paragraph (2).

(2) MANNER OF ASSISTANCE.—In providing assistance under paragraph (1), the office established under such paragraph shall—

(A) offer nonfinancial, technical assistance to communities described in such paragraph to assist in the mitigation described in such paragraph; and

(B) serve as a clearinghouse to assist such communities in identifying services available from other Federal, State, and local agencies to assist in such mitigation.

(3) TERMINATION OF OFFICE.—The office established under paragraph (1) shall terminate 2 years after the completion of the last Space Shuttle flight.

(4) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, NASA shall provide a copy of the plan required by paragraph (1) to the Congress.

SEC. 614. AEROSPACE SKILLS RETENTION AND INVESTMENT REUTILIZATION REPORT.

(a) IN GENERAL.—The Administrator shall, in consultation with other Federal agencies, as appropriate—

(1) carry out an analysis of the facilities and human capital resources that will become available as a result of the retirement of the Space Shuttle program; and

(2) identify on-going or future Federal programs and projects that could use such facilities and resources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) on the analysis required by paragraph (1) of subsection (a), including the findings of the Administrator with respect to such analysis; and

(2) describing the programs and projects identified under paragraph (2) of such subsection.

SEC. 615. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1)(A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

''(C) For purposes of this paragraph, 'surplus position' means a position which is—

''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.

(b) CONFORMING AMENDMENT.—Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.

SEC. 616. ACCOUNTING REPORT.

Within 180 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that will summarize any actions taken or planned to be taken during fiscal years 2008 and 2009 to begin reductions in expenditures and activities related to the Space Shuttle program. The report shall include a summary of any actual or anticipated cost savings to the Space Shuttle program relative to the FY 2008 and FY 2009 Space Shuttle program budgets and runout projections as a result of such actions, as well as a summary of any actual or anticipated liens or budgetary challenges to the Space Shuttle program during fiscal years 2008 and 2009.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 703. SENSE OF CONGRESS ON EARTHKAM AND ROBOTICS COMPETITIONS.

It is the sense of Congress that NASA's educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with astronauts aboard the International Space Station and to take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

SEC. 704. ENHANCEMENT OF EDUCATIONAL ROLE OF NASA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Space Station offers a unique opportunity for Federal agencies to engage students in science, technology, engineering, and mathematics education. Congress encourages NASA to include other Federal agencies in its planning efforts to use the International Space Station National Laboratory for science, technology, engineering, and mathematics educational activities.

(b) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—In order to ensure that research expertise and talent throughout the Nation is developed and engaged in NASA research and education activities, NASA shall, as part of its annual budget submission, detail additional steps that can be taken to further integrate the participating EPSCoR States in both existing and new or emerging NASA research programs and center activities.

(c) NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.—NASA shall continue its emphasis on the importance of education to expand opportunities for Americans to understand and participate in NASA's aeronautics and space projects by supporting and enhancing science and engineering education, research, and public outreach efforts.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. REAFFIRMATION OF POLICY.

(a) REAFFIRMATION OF POLICY ON SURVEYING NEAR-EARTH ASTEROIDS AND COMETS.—Congress reaffirms the policy set forth in section 102(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(g)) (relating to surveying near-Earth asteroids and comets).

(b) SENSE OF CONGRESS ON BENEFITS OF NEAR-EARTH OBJECT PROGRAM ACTIVITIES.—It is the sense of Congress that the near-Earth object program activities of NASA will provide benefits to the scientific and exploration activities of NASA.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY WITH RESPECT TO THREATS POSED BY NEAR-EARTH OBJECTS.

Within 2 years after the date of enactment of this Act, the Director of the OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near-term public safety is at risk; and

(2) recommend a Federal agency or agencies to be responsible for—

(A) protecting the United States from a near-Earth object that is expected to collide with Earth; and

(B) implementing a deflection campaign, in consultation with international bodies, should one be necessary.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is comparable to the capability provided through the Deep Space Network Goldstone facility of NASA.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator, using funds authorized in section 101(a)(1)(B), shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services. It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(3)(A), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(c) ADDITIONAL TECHNOLOGIES.—NASA shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.

(d) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure,

modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 1004. STUDY AND REPORT ON PROJECT ASSIGNMENT AND WORK ALLOCATION OF FIELD CENTERS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study of all field centers of NASA, including the Michoud Assembly Facility.

(2) MATTERS STUDIED.—The study required by paragraph (1) shall include the mission and future roles and responsibilities of the field centers, including the Michoud Assembly Facility, described in paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the study required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A comprehensive analysis of the work allocation of all field centers of NASA, including the Michoud Assembly Facility.

(B) A description of the program and project roles, functions, and activities assigned to each field center, including the Michoud Assembly Facility.

(C) Details on how field centers, including the Michoud Assembly Facility, are selected and designated for lead and support role work assignments (including program and contract management assignments).

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L–1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L–1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Director of OSTP shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on, at a minimum, communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety; and

(C) provide recommendations on how NOAA, the National Science Foundation, and other relevant agencies, can most effectively carry out research and monitoring activities related to space weather and aviation.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. INITIATION OF DISCUSSIONS ON DEVELOPMENT OF FRAMEWORK FOR SPACE TRAFFIC MANAGEMENT.

(a) FINDING.—Congress finds that as more countries acquire the capability for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those countries.

(b) DISCUSSIONS.—The Administrator shall, in consultation with such other agencies of the Federal Government as the Administrator considers appropriate, initiate discussions with the appropriate representatives of other space-faring countries to determine an appropriate frame-work under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1104. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1105. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and

(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 1106. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing space launch ranges and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1107. NASA OUTREACH PROGRAM.

(a) ESTABLISHMENT.—NASA shall competitively select an organization to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses in communities across the United States through enhanced insight into the technologies of NASA's space and aeronautics programs. The program shall support the mission of NASA's Innovative Partnerships Program with its emphasis on joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating the enhanced insight of the private sector into NASA's technologies in order to increase the competitiveness of the private sector in producing viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating appropriate technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by NASA.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

SEC. 1108. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees before December 31, 2010, except for cause on charges of misconduct, delinquency, or inefficiency.

SEC. 1109. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION WITHIN NASA.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

(b) STUDY.—Within 60 days after the date of enactment of this Act, the Comptroller General shall—

(1) initiate a study to be completed within 270 days to determine whether the regulations set forth in part 1213 of title 14, Code of Federal Regulations, are being implemented in a clear and consistent manner by NASA to ensure the dissemination of research; and

(2) transmit a report to the Congress setting forth the Comptroller General's findings, conclusions, and recommendations.

(c) RESEARCH.—The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, ''Earth Science and Applications from Space'', and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

SEC. 1110. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

SEC. 1111. METHANE INVENTORY.

Within 12 months after the date of enactment of this Act, the Director of OSTP, in conjunction with the Administrator, the Administrator of NOAA, and other appropriate Federal agencies and academic institutions, shall develop a plan, including a cost estimate and timetable, and initiate an inventory of natural methane stocks and fluxes in the polar region of the United States.

SEC. 1112. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA 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.

SEC. 1113. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NASA OFFICE OF PROGRAM ANALYSIS AND EVALUATION.

(a) OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—It is the sense of Congress that it is important for NASA to maintain an Office of Program Analysis and Evaluation that has as its mission:

(1) To develop strategic plans for NASA in accordance with section 306 of title 5, United States Code.

(2) To develop annual performance plans for NASA in accordance with section 1115 of title 31, United States Code.

(3) To provide analysis and recommendations to the Administrator on matters relating to the planning and programming phases of the Planning, Programming, Budgeting, and Execution system of NASA.

(4) To provide analysis and recommendations to the Administrator on matters relating to acquisition management and program oversight, including cost-estimating processes, contractor cost reporting processes, and contract performance assessments.

(b) OBJECTIVES.—It is further the sense of Congress that in performing those functions, the objectives of the Office should be the following:

(1) To align NASA's mission, strategic plan, budget, and performance plan with strategic goals and institutional requirements of NASA.

(2) To provide objective analysis of programs and institutions of NASA—

(A) to generate investment options for NASA; and

(B) to inform strategic decision making in NASA.

(3) To enable cost-effective, strategically aligned execution of programs and projects by NASA.

(4) To perform independent cost estimation in support of NASA decision making and establishment of standards for agency cost analysis.

(5) To ensure that budget formulation and execution are consistent with strategic investment decisions of NASA.

(6) To provide independent program and project reviews that address the credibility of technical, cost, schedule, risk, and management approaches with respect to available resources.

(7) To facilitate progress by NASA toward meeting the commitments of NASA.

SEC. 1114. SENSE OF CONGRESS ON ELEVATING THE IMPORTANCE OF SPACE AND AERONAUTICS WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT.

It is the sense of Congress that the President should elevate the importance of space and aeronautics within the Executive Office of the President by organizing the interagency focus on space and aeronautics matters in as effective a manner as possible, such as by means of the National Space Council authorized by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471) or other appropriate mechanisms.

SEC. 1115. STUDY ON LEASING PRACTICES OF FIELD CENTERS.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study on the leasing practices of all field centers of NASA, including the Michoud Assembly Facility. Such study shall include the following:

(1) The method by which overhead maintenance expenses are distributed among tenants of such field centers.

(2) Identification of the impacts of such method on attracting businesses and partnerships to such field centers.

(3) Identification of the steps that can be taken to mitigate any adverse impacts identified under paragraph (2).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study required by subsection (a), including the following:

(1) The findings of the Administrator with respect to such study.

(2) A description of the impacts identified under subsection (a)(2).

(3) The steps identified under subsection (a)(3).

SEC. 1116. COOPERATIVE UNMANNED AERIAL VEHICLE ACTIVITIES.

The Administrator, in cooperation with the Administrator of NOAA and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of NASA and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

SEC. 1117. DEVELOPMENT OF ENHANCED-USE LEASE POLICY.

(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—

(1) is based upon sound business practices and lessons learned from the demonstration centers; and

(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.

(b) CONTENTS.—The policy required by subsection (a) shall include the following:

(1) Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—

(A) Federal financing through appropriations; or

(B) sale of the property.

(2) Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.

(3) Measures of effectiveness for the enhanced-use lease program.

(4) Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.

(c) ANNUAL REPORT.—Section 315(f) of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. Such report shall include the following:

''(1) Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.

''(2) The availability and use of funds received under this section for the Agency's operating plan.''.

(d) DISTRIBUTION OF CASH CONSIDERATION RECEIVED.—

(1) IN GENERAL.—Section 315(b)(3)(B) of such Act (42 U.S.C. 2459j(b)(3)(B)) is amended to read as follows:

''(B) Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—

''(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and

''(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.''.

(2) CONFORMING AMENDMENTS.—Section 533 of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1931) is amended—

(A) by amending subsection (b)(4) to read as follows:

''(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by adding at the end the following new subparagraph:

'''(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.'.''; and

(B) in subsection (d)—

(i) by striking ''the following new subsection (f)'' and inserting ''the following new subsection''; and

(ii) in the quoted matter, by redesignating subsection (f) as subsection (g).

SEC. 1118. SENSE OF CONGRESS WITH RESPECT TO THE MICHOUD ASSEMBLY FACILITY AND NASA'S OTHER CENTERS AND FACILITIES.

It is the sense of Congress that the Michoud Assembly Facility represents a unique resource in the facilitation of the Nation's exploration programs and that every effort should be made to ensure the effective utilization of that resource, as well as NASA's other centers and facilities.

SEC. 1119. REPORT ON U.S. INDUSTRIAL BASE FOR LAUNCH VEHICLE ENGINES.

Not later than 180 days after the date of Enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report setting forth the assessment of the Director as to the capacity of the United States industrial base for development and production of engines to meet United States Government and commercial requirements for space launch vehicles. The Report required by this section shall include information regarding existing, pending, and planned engine developments across a broad spectrum of thrust capabilities, including propulsion for sub-orbital, small, medium, and heavy-lift space launch vehicles.

SEC. 1120. SENSE OF CONGRESS ON PRECURSOR INTERNATIONAL SPACE STATION RESEARCH.

It is the Sense of Congress that NASA is taking positive steps to utilize the Space Shuttle as a platform for precursor International Space Station research by maximizing to the extent practicable the use of middeck accommodations, including soft stowage, for near-term scientific and commercial applications on remaining Space Shuttle flights, and the Administrator is strongly encouraged to continue to promote the effective utilization of the Space Shuttle for precursor research within the constraints of the International Space Station assembly requirements.

SEC. 1121. LIMITATION ON FUNDING FOR CONFERENCES.

(a) IN GENERAL.—There are authorized to be appropriated not more than $5,000,000 for any expenses related to conferences, including conference programs, travel costs, and related expenses. No funds authorized under this Act may be used to support a Space Flight Awareness Launch Honoree Event conference. The total amount of the funds available under this Act for other Space Flight Awareness Honoree-related activities in fiscal year 2009 may not exceed ½ of the total amount of funds from all sources obligated or expended on such activities in fiscal year 2008.

(b) QUARTERLY REPORTS.—The Administrator shall submit quarterly reports to the Inspector General of NASA regarding the costs and contracting procedures relating to each conference held by NASA during fiscal year 2009 for which the cost to the Government is more than $20,000. Each report shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending, the conference, including the number of NASA employees attending and the number of contractors attending at agency expense;

(2) a detailed statement of the costs to the Government relating to the conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to the conference; and

D) cost of any room, board, travel, and per diem expenses; and

(3) a description of the contracting procedures relating to the conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by NASA in evaluating potential contractors for that conference.

SEC. 1122. REPORT ON NASA EFFICIENCY AND PERFORMANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains a review of NASA programs and associated activities with an annual funding level of more than $50,000,000 that appear to be similar in scope and purpose to other activities within the Federal government, that includes—

(1) a brief description of each NASA program reviewed and its subordinate activities;

(2) the annual and cumulative appropriation amounts expended for each program reviewed and its subordinate activities since fiscal year 2005;

(3) a brief description of each Federal program and its subordinate activities that appears to have a similar scope and purpose to a NASA program; and

(4) a review of the formal and informal processes by which NASA coordinates with other Federal agencies to ensure that its programs and activities are not duplicative of similar efforts within the Federal government and that the programs and activities meet the core mission of NASA, and the degree of transparency and accountability afforded by those processes.

(b) DUPLICATIVE PROGRAMS.—If the Comptroller General determines, under subsection (a)(4), that any deficiency exists in the NASA procedures intended to avoid or eliminate conflict or duplication with other Federal agency activities, the Comptroller General shall include a recommendation as to how such procedures should be modified to ensure similar programs and associated activities can be consolidated, eliminated, or streamlined within NASA or within other Federal agencies to improve efficiency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6063, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in strong support of H.R. 6063, the NASA Authorization Act of 2008, as amended by the Senate. As you know, the House first passed H.R. 6063 on June 18 by an overwhelming vote of 409–15. After receiving this strong bipartisan mandate, we worked with our counterparts in the Senate over the summer to ensure that the legislation before us today would continue to reflect the priorities and policies endorsed by this body.

I believe that we succeeded in that effort, and I want to express my appreciation to the Space and Aeronautics Subcommittee Chair, Mr. MARK UDALL, for his leadership in introducing this

bill and successfully shepherding it through the legislative process.

I also want to thank my friends on the minority, Ranking Member RALPH HALL and subcommittee Ranking Member TOM FEENEY for their constructive participation in the development of this legislation. Of course, I want to express my appreciation to Senators BILL NELSON and DAVID VITTER for their efforts in helping to forge the bipartisan compromise that we will be voting on today.

Finally, I want to thank the House and Senate staff on both sides of the aisle who tirelessly supported our efforts to get this legislation developed and enacted. In that regard I want to specifically recognize Dick Obermann, the staff director of the Space and Aeronautics Subcommittee; Pam Whitney, Allen Li, Devin Bryant, John Piazza and Wendy Adams of the committee's majority staff; as well as Ed Feddeman, Ken Monroe, Lee Arnold and Katy Crooks of the committee's minority staff.

Mr. Speaker, I believe that the characterization of H.R. 6063 that I gave back in June is still very valid. The legislation before us today retains the key provisions and principles of that earlier version of the bill. As a result, I will not spend our limited time today describing the provisions of H.R. 6063 in detail. Instead, I would simply like to make the following points.

H.R. 6063 is a fiscally responsible measure that sends a strong message to the next administration that Congress believes that investing in a balanced NASA program of science, aeronautics and human space flight and exploration is important and worthy of our Nation's support. I think that it is a valuable message for this Congress to send, especially as we witness the emergence of other spacefaring nations in the world who clearly recognize the value of such investments.

This bill contains a number of provisions to ensure that NASA has properly structured human space flight, science and exploration programs that can deliver significant technological, scientific and geopolitical benefits to this Nation.

H.R. 6063 also demonstrates that NASA's capabilities and programs are relevant to meeting our needs back here on Earth and that properly utilized, those capabilities and programs can deliver a significant societal economic return to our investment in NASA.

This legislation includes provisions to ensure the future health of the Nation's aviation system and to develop the tools needed to better understand and respond to the challenges of climate change and the contribution to achievement of our Nation's innovative agenda

The bill before us today is not identical to the one we passed in June, although it certainly retains the key provisions of the earlier version of this legislation. For example, it did not prove possible to retain the OSTP study of the impact of current export policies on commercial and civil space activities. I think it is very important that such a review occur, and I am disappointed that the provisions had to be dropped. But I am encouraged that there is likely to be movement on this issue once the next administration takes office.

In terms of additions to the earlier versions of H.R. 6063, this bill contains a prohibition against NASA taking any steps prior to April 30th of next year that would preclude the President from being able to continue to fly the Space Shuttle past 2010. That provision should not be construed as a congressional endorsement of extending the life of the shuttle program beyond the additional flight added by this bill to deliver the AMS to the International Space Station. Rather, it reflects our common belief that the decision of whether or not to extend the shuttle past its planned 2010 retirement date should be left to the next President and Congress, especially since both of the Presidential candidates have asked for that flexibility to make that decision.

In addition, NASA has indicated that delaying the shuttle shutdown activities until at least April 30 of next year will not impose additional costs on the agency. So, on balance, I believe this is a reasonable provision to include in this amended version of H.R. 6063.

Mr. Speaker, the House-passed version of H.R. 6063 was endorsed by a host of organizations, ranging from the Association of American Universities to the National Association of Manufacturers. I believe that they would agree that H.R. 6063, as amended by the Senate, is equally worthy of that support.

As I mentioned earlier, we have worked hard to retain the key features of the House-passed bill, and I believe we are were successful in that effort.

Mr. Speaker, next Wednesday marks the 50th anniversary of the day that the National Aeronautics and Space Administration officially opened for business. I can think of no more fitting birthday present that Congress could bestow than this legislation, the NASA Authorization Act of 2008, because it provides direction and support for the agency that will enable NASA during the next 50 years to be as productive and exciting as it was in the last 50 years.

With that, I urge my colleagues to vote to suspend the rules and pass H.R. 6063 by an overwhelming margin so that we can send it on to the President for his signature.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I honor Chairman GORDON for pointing out that this year marks the 50th anniversary of the National Aeronautics and Space Administration. We refer to it as NASA. It is a good time to reflect on really how far our Nation has come in a half century, but it is also an opportunity to reaffirm our commitment to space flight and innovation.

H.R. 6063 authorizes NASA for fiscal year 2009. It is the product of close bipartisan and bicameral consultation and cooperation, and I urge its support.

H.R. 6063 is a 1-year authorization. The intent of the bill is to keep NASA on its current path towards completing the International Space Station, transitioning between the Space Shuttle and the next crew vehicle, and maintaining a balanced set of science and aeronautics research programs. It also reaffirms Congress' long-standing commitment to NASA and to its programs.

But by being a 1-year bill, H.R. 6063 is designed to give the next President an opportunity to work with the next Congress in order to fashion a long-term strategy that is consistent with the administration's desires, as well as Congress.

H.R. 6063 contains a number of important provisions. It authorizes $20.2 billion for NASA for FY 2009, including $1 billion to accelerate development of the new *Constellation* crew vehicle launch system as a replacement for the space shuttle. This new launch system will provide our country with a modern, more robust and safer manned space flight capability that will enable our astronauts to fly out of low Earth orbit, an ability we haven't had since the retirements of *Apollo* over 30 years ago.

As we are debating the bill today, China has three men in orbit and the scheduled space walk took place earlier today. They are fast accelerating their space capabilities, and if we are to remain the leader in space exploration, we must continue to innovate and accelerate our programs.

As most of you are aware, there is currently a substantial gap, as much as 5 years, between retiring the shuttle and bringing the next crew launch system online. During this gap, our Nation will be in the untenable position of relying on Russia to assure a U.S. presence on the international space station. I find this unacceptable. Therefore, I am pleased that this bill authorizes extra funding for the new launch system, thereby taking a step toward closing the gap and reducing our dependence on foreign partners.

As this is only a 1-year bill, I look forward to working with the next administration to find further solutions to close the gap and preserve our own human space flight capabilities.

The bill also includes a number of provisions to encourage NASA, working with the private sector, to foster development of domestic commercial cargo launch capability primarily designed to take supplies to the Space Station. In addition, H.R. 6063 includes language directing NASA to solicit for commercial crew launch capability. Both of these provisions confirm our commitment to advancing American

space capabilities rather than relying on foreign nations.

In addition to human space flight, the bill also advances a balanced and robust space science, Earth science and aeronautics program. It embraces a number of recommendations that were put forth by witnesses from government, from industry, and I could name them, who testified at hearings before our committee over the previous 18 months.

These are sensible provisions designed to strengthen aeronautics, space science and Earth science research programs, encourage technology risk reduction policies and activities, foster efficient technology transfer from NASA to other Federal agencies and to the private sector, detect and mitigate the threat of near-Earth objects and research and monitor the effect of space weather on satellites.

The list is not exhaustive, but I want to mention these few examples to emphasize to all Members the breadth of this bill and how it improves upon many of NASA's activities and programs. Suffice it to say that NASA is one of the most exciting and innovative Federal agencies, and it serves as a huge inspiration to our young people to take a serious interest in math and science education.

□ 1415

It also continues to inspire Americans, and it draws the admiration of nations worldwide.

On the fiftieth anniversary of NASA, we should all be proud of what our Nation has accomplished in the last half century. We should boldly push forward with the excitement, support and anticipation for what the next 50 years hold. I am convinced that our greatest accomplishment lies in the frontiers ahead.

I want to thank Chairman GORDON and his staff. I want to thank my staff, Ed Feddeman and Ken Monroe. They worked closely with Dick Obermann.

I also want to acknowledge the work of Senator KAY BAILEY HUTCHISON and her capable staff. It's a good organization, and I appreciate all of them.

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

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to my friend from Colorado (Mr. UDALL) the chairman of the subcommittee and thank him for his good work on this legislation.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I support the passage of H.R. 6063, the NASA Reauthorization Act of 2008, as amended by the Senate. H.R. 6063 provides important direction and ensures the leadership of the United States civil space programs and provides the next president with congressional priorities for America's future in aeronautics and civil space activities.

I am very proud that this legislation has been a bipartisan effort every step of the way. Our bill passed quickly through the committee process, and on June 18 of this year, H.R. 6063 passed the House by the overwhelming margin of 409–15.

Since that House passage, we have worked with our colleagues in the Senate to craft a final version that reflects the concerns and interests of Members in both Chambers of Congress. I am pleased that the Senate yesterday passed H.R. 6063, as amended, by unanimous consent.

I would like to thank Chairman GORDON, Ranking Member HALL and subcommittee Ranking Member FEENEY for their support and hard work on this bill.

I think a special acknowledgment is due Congressman LAMPSON, who represents the great City of Houston, and who has been tireless in his support of NASA.

I also wanted to point out, I think, the great model that Congressman HALL and Congressman GORDON present us here in our House, where they work together in a bipartisan fashion to make sure that NASA thrives, and is nurtured, and is in a position to excel in the years in front of us.

I also want to also take a minute and thank the excellent staff on both the majority and minority side for their outstanding work. On the Democratic side of the aisle, Dick Obermann, Pam Whitney, Allen Li, and Devin Bryant have all been instrumental in moving this bill forward, as has Wendy Adams on my personal staff.

I want to make special mention of Wendy. I know she is here on a Saturday, giving the extra effort that always characterizes her work on behalf of the committee and, in particular, the subcommittee.

I also wanted to take another bit of time and mention Dick Obermann and tell him how much I respect him and how much I have enjoyed working with him on all my years on the committee. He is, as everybody knows in this House, the epitome of professionalism. The House, the aerospace community, and I would say our country is fortunate to have his talents and intelligence and work ethic deployed on behalf of all of us. Dick, I will miss you and look forward to working with you wherever I am next year.

On the minority side, I want to thank Ed Feddeman, Kim Monroe and Lee Arnold for their efforts as well. We have truly worked together in a bipartisan fashion.

Now while the amended bill leaves out a set of House-passed provisions, I am confident that H.R. 6063, as amended, remains a good bill and puts NASA in the civil space program on a path that will help ensure our leadership in aerospace and aeronautics.

This year, as has been mentioned, we celebrate the 50th anniversary of the U.S. space program and the creation of the National Aeronautics and Space Administration. NASA has achieved remarkable accomplishments over the past decades in science and aeronautics and human space flight. All of us here want to ensure that the next 50 years of our space program are equally bright.

This is a very good bill. I urge my colleagues to pass it, as amended, to ensure continued United States leadership in NASA's science, aeronautics and human space flight and exploration programs.

Mr. HALL of Texas. Mr. Speaker, I might add on to the gentleman's statement about Mr. Obermann. I think I am the one that employed him. When I switched to be a Republican, I was going to try to make a Republican out of him, but I don't think I would have been able to do that.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the NASA Authorization Act, H.R. 6063. I would like to salute Chairman BART GORDON and Ranking Member RALPH HALL and Subcommittee Chairman UDALL and Ranking Member FEENEY.

They have done a terrific job this year. There has been no better example of bipartisan cooperation and a spirit of goodwill that I have ever found in this Congress than what I have found in these last 2 years on this committee. I salute all those who are involved, and I am very proud to be part of this team.

Space-based assets have become such a part of our way of life that quite often they are taken for granted. Just recently, when we experienced hurricanes and noted the damage that was done by these great natural catastrophes, sometimes people forget how much worse it would have been had we not been tracking these hurricanes as they headed towards populated areas.

We were able to save many thousands of lives and save many billions of dollars in damage because we have had space-based assets that permitted us to be able to make that contribution to our fellow human beings, saving their lives and property in the face of an oncoming storm by giving them adequate warning.

We also know that today our telephone calls are cheap, and they are clear. But this is dramatically different than what it was before we had space-based assets up there taking care of our communications.

The fact is that space-based assets have permitted people to take time and to communicate with their loved ones. We talk about our country when we talk about life, liberty, and the pursuit of happiness, talking to your grandfather, or letting your children talk to their grandparents on the phone.

When I was a kid, it cost maybe $5 or $6, and you could barely hear on the phone. You could barely hear. It was so expensive, you called once a month at the most. Now people can talk to their loved ones. Space-based assets have

done this, have increased our happiness, our level of happiness in this world.

Again, those communications satellites also have brought down the cost of entertainment, as we know. The fact is, the competition the space-based assets have given to the cable industry have brought down that cost.

GPS guides us to our locations, whether we are talking about jets or talking about automobiles, or even where farmers will plant their crops. Space-based assets are making such a difference in our lives.

Of course, space-based assets are making America much safer. When we meet adversaries overseas, our people have that advantage. It's keeping us free, it's keeping us safe.

Of course, when you talk about safety, I have been particularly interested in ensuring that we pay attention to the potential threat posed by near-Earth objects. NASA, of course, has tracked and catalogued over 90 percent of those objects in space that could destroy the human race, and we are very grateful for that job. But that leaves, of course, thousands of space objects that could cause horrendous damage and loss of life that still need to be tracked.

This bill authorizes $2 million to keep the Arecibo telescope functioning. That Arecibo telescope in Puerto Rico is essential to this element of safety that we are providing by tracking near-Earth objects.

As I say, without the telescope, there may be, perhaps, something, if we learned early enough that we could deflect that might come here and kill millions of people. We are paying attention to this. This NASA authorization takes a step in the right direction there in keeping the Arecibo telescope alive.

We should be cooperating in space. All of these things cost money, and other countries have benefited by our research. We need to cooperate with Europe, Japan, Russia, and other countries to make sure that we can accomplish what we can do more by joining them than if we were alone in this.

However, that cooperation does not mean that we should not continue to be the leaders in space activity. We will no longer be the leading power on the Earth unless we are the leading power in space.

This is the 50th anniversary of NASA, and it is fitting that we set our sights on continuing to be the world's leading power in space. We can lead humankind into a better era. We have done that in the cause of human freedom. We will do that in the cause of technology and human development.

I stand here with pride and join my colleagues. I salute them for all the hard work they have done and in asking my colleagues to join me in authorizing NASA in this legislation.

Mr. GORDON of Tennessee. Let me first thank my friend from California for his great contribution to our committee. As a former chairman of this subcommittee, he is both knowledgeable and always very helpful.

I would like to now yield 3 minutes to a very enthusiastic supporter of NASA from Houston, Texas, the chairman of the Energy subcommittee, Mr. LAMPSON.

Mr. LAMPSON. Thank you, Chairman GORDON, for giving me the time and also for the good work that you have done, not just in this bill, but in guiding this committee, this Science Committee, for a long period of time and the great successes, also, to Chairman UDALL in working with you on this committee; Ranking Members HALL and FEENEY for the work that you all have done and staff, obviously, in putting together, not just a good bill here, but making it a pleasure to work on the Science Committee for the last 2 years.

Mr. Speaker, I rise in very strong support of this NASA Authorization Act. The $20 billion authorization demonstrates Congress' real commitment to a NASA that can fully address exploration and scientific discovery.

I just read an article about the Chinese cheering as astronauts made their first space walk last night. It reminded me of what we have done over the last many decades, five decades, to be fairly precise, and how we seem to have lost some of the commitment, because we have seen the budget of NASA decline in the last many years from about 6 percent of our Nation's budget to about six-tenths of a percent of our Nation's budget.

When you recognize that NASA inspires children to study math, science, and engineering and see that we have slipped in relation to other places in the world, some say because of that, maybe we really need another crisis. We need another Sputnik to inspire us to recommit ourselves to what we can learn in space and what we can do in exploration and science in space.

Well, I maintain that we have those beeps that some of us heard from Sputnik in 1957, that every time something occurs like China's having its own space walker now, or another nation launching some special craft or accomplishing some other task, each one of those events is, indeed, a beep of that Sputnik that we heard in 1957. We need to make NASA a priority again in this country, because it has such an impact on our standing in the world, our knowledge and inspiration for children and certainly our own standard of living.

I would mention two other programs that are included in this bill. One is called the Space Technical Alliance Outreach Program authorized in this bill. It helps small businesses grow, it creates jobs, contributes to our economy, as do many other things in the bill; as well as a little bitty program like allowing children in their own schools here on Earth to be able to take pictures from space that ultimately inspire them to want to study, and do study, more on those areas of math and science and engineering.

I encourage each of my colleagues to vote positively on this bill and send a strong signal that we are committed to space and exploration.

Mr. HALL of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

Mr. Speaker, I rise in strong support of H.R. 6063, the NASA Authorization Act of 2008.

I want to thank the committee chairman, BART GORDON, and the subcommittee chairman, MARK UDALL, for putting together this effective package and my friends on the other side of the aisle for their support of it as well.

□ 1430

This bill authorizes funds and specifies policy guidance that will keep NASA's centers, which are the heart of the agency, healthy and financially strong.

H.R. 6063 provides $1 billion to accelerate the completion of the next generation of manned vehicles that will replace the Space Shuttle. I am proud to say the world class facility at the NASA Glenn Research Center in my district will play a lead role in maintaining key aspects of tomorrow's space program.

NASA Glenn also specializes in aeronautics basic research. This bill continues the record of excellence by providing $853 million for aeronautics, a 35 percent increase over fiscal year 2008.

But the reason for NASA's historical and continued successes are its workers. They have brought NASA unparalleled repute around the world, turning it into an icon of intelligence and innovation. That is why this bill's most important provisions are those that protect workers.

I want to thank the chairman of the Federal Workforce Subcommittee, DANNY DAVIS, for working with me on two critical workforce provisions that are included in this bill. The most important provision is an extension of a ban on layoffs until at least 2011. Since announcing the ambitious vision for space exploration, the administration has, unfortunately, underfunded NASA. But with equal consistency in a bipartisan way, Congress has rejected these cuts and layoffs.

Layoffs undermine not only workers' lives and mission of the agency, but also the regional economy. According to researchers at Cleveland State University, NASA Glenn in Brook Park generated a demand for products and services of $955 million and was responsible for over 6,000 jobs in northeast Ohio in 2006.

This bill will also temporarily extend health care benefits for employees in transition. The sudden loss of health care coverage is a major factor currently discouraging employees from

taking a buyout. The provision would be helpful in fostering a respectful workforce transition plan during this time at NASA.

Again, this is a bipartisan bill. I want to thank the Ohio delegation for supporting our establishment as well as this Congress for the work that they have done on this.

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

Mr. GORDON of Tennessee. Mr. Speaker, I will quickly conclude by saying that just because we have all talked nice here today and been civil and we have a bipartisan bill, doesn't mean that this was not a difficult bill to put together. A lot of work went into this, a lot of respectful collaboration on a bipartisan way. We have a good bill. I thank my friends for helping.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6063.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HONORING AND SUPPORTING THE HADLEY SCHOOL FOR THE BLIND

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Res. 875 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 875

Whereas Mr. William A. Hadley, a high school teacher who lost his vision at the age of 55, and ophthalmologist Dr. E.V.L. Brown first welcomed students to the Hadley School for the Blind in 1920;

Whereas the Hadley School for the Blind's mission is to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers;

Whereas over the past 87 years, the Hadley School has grown to have an annual enrollment of more than 10,000 students from all 50 states and 100 countries;

Whereas the Hadley School for the Blind has a high school degree program, an adult continuing study program, and in 2008 will be launching the Hadley School for Professional Studies;

Whereas the Hadley School for the Blind offers a wide range of distance education courses for blind or visually impaired individuals who are at least 14 years of age, relatives of blind or visually impaired children, family members of blind or visually impaired adults, and professionals in the blindness field;

Whereas there are more than 90 courses offered in Braille, large print, audiocassette, and online and students study in their own homes, at their own pace, completely free of charge; and

Whereas student Christine Gilson is bridging cultural boundaries by teaching visually impaired Chinese students English online: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the important and positive impact the Hadley School for the Blind has had on the lives of thousands of visually impaired people across the globe; and

(2) supports their mission to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ALTMIRE:

Strike the preamble and insert the following:

Whereas Mr. William A. Hadley, a high school teacher who lost his vision at the age of 55, and ophthalmologist Dr. E.V.L. Brown first welcomed students to the Hadley School for the Blind in 1920;

Whereas the Hadley School for the Blind's mission is to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers;

Whereas over the past 87 years, the Hadley School has grown to have an annual enrollment of more than 10,000 students from all 50 states and 100 countries;

Whereas the Hadley School for the Blind has a high school degree program, an adult continuing study program, and in 2008 will be launching the Hadley School for Professional Studies;

Whereas the Hadley School for the Blind offers a wide range of distance education courses for blind or visually impaired individuals who are at least 14 years of age, relatives of blind or visually impaired children, family members of blind or visually impaired adults, and professionals in the blindness field;

Whereas there are more than 90 courses offered in Braille, large print, audiocassette, and online and students study in their own homes, at their own pace, completely free of charge; and

Whereas student Christie Gilson is bridging cultural boundaries by teaching visually impaired Chinese students English online: Now, therefore, be it

Mr. ALTMIRE (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

NATIONAL WORK AND FAMILY MONTH

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 1440) expressing support for designation of the month of October as ''National Work and Family Month,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1440

Whereas according to the report by WorldatWork titled ''Attraction and Retention'', the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas employees who have more access to flexible work arrangements enabling employees to balance family and work are significantly more satisfied with their jobs, are more satisfied with their lives, and experience less interference between their jobs and family lives than those employees who have less access to flexible work arrangements, according to the Families and Work Institute 2002 National Study of the Changing Workforce;

Whereas according to the 2004 report ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes, or feel resentment toward employers and coworkers;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel more successful in their relationships with their spouses, children, and friends, and tend to feel healthier;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas research by the Radcliffe Public Policy Center in 2000 revealed that men in their 20s and 30s, and women in their 20s, 30s, and 40s, identified the most important job characteristic as being a work schedule that allows them to spend time with their families;

Whereas according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and research reveals that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study revealed that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments, to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas according to a Centers for Disease Control and Prevention (CDC) report, breastfeeding is the most beneficial form of

infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric overweight and obesity;

Whereas according to the CDC less than half of mothers who work full time exclusively breastfeed their newborns;

Whereas according to the CDC, support for lactation at work benefits individual families as well as employers via improved productivity and staff loyalty, enhanced public image of the employer, and decreased absenteeism, health care costs, and employee turnover;

Whereas studies show that one-third of children and adolescents in the United States are obese or overweight and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development, and that children who ate dinner with their family every day consumed nearly a full serving more of fruits and vegetables per day than those who never ate family dinners or only did so occasionally;

Whereas furthermore, unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for elderly United States citizens and are estimated by the Department of Health and Human Service to reach 37,000,000 caregivers by 2050, an increase of 85 percent from 2000, as an increasing number of baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as ''National Work and Family Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Work and Family Month'';

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideas of ''National Family and Work Month'', and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Work and Family Month'' with appropriate ceremonies and activities.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ALTMIRE:

In the preamble, strike the tenth through fourteenth Whereas clauses, and insert the following:

Whereas according to a Centers for Disease Control and Prevention (CDC) report, less than half of mothers who work full time exclusively breastfeed their newborns, although support for lactation at work benefits individual families as well as employers via improved productivity and staff loyalty, and decreased absenteeism and employee turnover;

Whereas according to the CDC, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric obesity;

Whereas studies report that family rituals, such as sitting down to dinner together, positively influence children's health and development, and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Mr. ALTMIRE (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on the matters that were just considered.

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

There was no objection.

CHARITY ENHANCEMENT ACT OF 2008

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7083) to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7083

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charity Enhancement Act of 2008''.

(b) AMENDMENT OF 1986 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 the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.
Sec. 2. Funds advised by certain public charities and governmental entities not treated as donor advised funds.
Sec. 3. Certain scholarship distributions from donor advised funds not treated as taxable distributions.
Sec. 4. Repeal of special written acknowledgment requirement for charitable contributions to donor advised funds.
Sec. 5. Reasonable compensation paid by supporting organizations to substantial contributors not treated as an excess benefit.
Sec. 6. Exception from holdings and payout requirements for longstanding, fully funded type III supporting organizations.
Sec. 7. Contributions by Indian tribal governments treated same as contributions by States.
Sec. 8. Electronic filing of exempt organization annual returns.
Sec. 9. Expansion of bad check penalty to electronic payments, etc.

SEC. 2. FUNDS ADVISED BY CERTAIN PUBLIC CHARITIES AND GOVERNMENTAL ENTITIES NOT TREATED AS DONOR ADVISED FUNDS.

(a) IN GENERAL.—Subparagraph (B) of section 4966(d)(2) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) if all contributions to such fund or account have been made, and all advisory privileges referred to in subparagraph (A)(iii) with respect to such fund or account have been exercised, by either—

''(I) one or more organizations described in clause (i), (ii), (iii), (iv), or (vi) of section 170(b)(1)(A) or section 509(a)(2), or

''(II) one or more entities described in section 170(c)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 3. CERTAIN SCHOLARSHIP DISTRIBUTIONS FROM DONOR ADVISED FUNDS NOT TREATED AS TAXABLE DISTRIBUTIONS.

(a) IN GENERAL.—Subsection (c) of section 4966 is amended by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CERTAIN SCHOLARSHIP DISTRIBUTIONS.—

''(A) IN GENERAL.—The term 'taxable distribution' shall not include any qualified scholarship distribution from a qualified scholarship fund.

''(B) QUALIFIED SCHOLARSHIP DISTRIBUTION.—The term 'qualified scholarship distribution' means any grant to a natural person for travel, study, or other similar purposes made from a donor advised fund if all such grants meet the requirements of subsection (d)(2)(B)(ii)(III).

''(C) QUALIFIED SCHOLARSHIP FUND.—The term 'qualified scholarship fund' means any donor advised fund if—

''(i) the advisory privileges referred to in subsection (d)(2)(A)(iii) with respect to such fund are exercised solely by an organization described in paragraph (4) of section 501(c) and exempt from tax under section 501(a), and

''(ii) substantially all of the distributions from such fund are qualified scholarship distributions.''.

(b) APPLICATION OF TAX ON PROHIBITED BENEFITS TO QUALIFIED SCHOLARSHIP DISTRIBUTIONS.—Subsection (c) of section 4967 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED SCHOLARSHIP FUNDS.—Each substantial contributor (as defined in section 4958(c)(3)(C)) to a qualified scholarship fund and each family member (within the meaning of section 4958(f)(4)) of such person shall be treated as a person described in subsection (d) with respect to such fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 4. REPEAL OF SPECIAL WRITTEN ACKNOWLEDGMENT REQUIREMENT FOR CHARITABLE CONTRIBUTIONS TO DONOR ADVISED FUNDS.

(a) IN GENERAL.—Paragraph (18) of section 170(f) is amended—

(1) by striking subparagraph (B),

(2) by striking ''if—'' and all that follows through ''the sponsoring organization (as defined in section 4966(d)(1))'' and inserting ''if the sponsoring organization (as defined in section 4966(d)(1)))'', and

(3) by redesignating clauses (i) and (ii) of subparagraph (A) (as in effect before amendment by paragraph (2)) as subparagraphs (A) and (B) and by moving such subparagraphs 2 ems to the left.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. REASONABLE COMPENSATION PAID BY SUPPORTING ORGANIZATIONS TO SUBSTANTIAL CONTRIBUTORS NOT TREATED AS AN EXCESS BENEFIT.

(a) IN GENERAL.—Clause (ii) of section 4958(c)(3)(A) is amended to read as follows:

''(ii) the term 'excess benefit' includes, with respect to any transaction described in clause (i)—

''(I) in the case of any grant, loan, or similar payment, the amount of such grant, loan, or similar payment, and

''(II) in the case of any compensation or similar payment, the amount by which the value of the economic benefit provided exceeds the value of the consideration (including the performance of services) received for providing such benefit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid pursuant to transactions entered into after the date of the enactment of this Act.

SEC. 6. EXCEPTION FROM HOLDINGS AND PAYOUT REQUIREMENTS FOR LONGSTANDING, FULLY FUNDED TYPE III SUPPORTING ORGANIZATIONS.

(a) HOLDINGS REQUIREMENTS.—Subsection (f) of section 4943 is amended by adding at the end the following new paragraph:

''(8) EXCEPTION FOR CERTAIN LONGSTANDING FULLY FUNDED TYPE III SUPPORTING ORGANIZATIONS.—Paragraph (1) shall not apply to any organization if—

''(A) the organization was established before January 1, 1970,

''(B) the organization has not accepted any substantial contributions after December 31, 1970,

''(C) no donor to the organization was alive on August 17, 2006, and

''(D) no family member (within the meaning of section 4958(f)(4)) of any donor is an organization manager (as defined in section 4958(f)(2)).''.

(b) PAYOUT REQUIREMENTS.—Section 1241(d)(1) of the Pension Protection Act of 2006 shall not apply to any organization described in section 4943(f)(8) of the Internal Revenue Code of 1986, as added by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 7. CONTRIBUTIONS BY INDIAN TRIBAL GOVERNMENTS TREATED SAME AS CONTRIBUTIONS BY STATES.

(a) IN GENERAL.—Section 7871(a) (relating to Indian tribal governments treated as States for certain purposes) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following new paragraph:

''(8) for purposes of—

''(A) determining support of an organization described in section 170(b)(1)(A)(vi), and

''(B) determining whether an organization is described in paragraph (1) or (2) of section 509(a) for purposes of section 509(a)(3).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) support received on or after the date of the enactment of this Act, and

(2) the determination of the status of any organization with respect to any taxable year beginning after such date of enactment.

SEC. 8. ELECTRONIC FILING OF EXEMPT ORGANIZATION ANNUAL RETURNS.

(a) IN GENERAL.—Subsection (d) of section 6104 (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended—

(1) by redesignating the paragraph relating to disclosure of reports by Internal Revenue Service as paragraph (7),

(2) by redesignating the paragraph relating to application to nonexempt charitable trusts and nonexempt private foundations as paragraph (8), and

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

''(9) RETURNS REQUIRED ON MAGNETIC MEDIA, ETC.—Any organization (other than an organization exempt from tax under section 527(a)) which—

''(A) is required to make available information for inspection under paragraph (1)(A), and

''(B) would be required to file returns on magnetic media or in other machine-readable form under subsection (e) of section 6011 if such subsection were applied by substituting 'at least 5 returns' for 'at least 250 returns' in paragraph (2)(A) thereof,

shall file the information referred to in clauses (i) and (ii) of paragraph (1)(A) on such magnetic media or in other machine-readable form.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to returns required to be filed for taxable years beginning after the date of the enactment of this Act.

SEC. 9. EXPANSION OF BAD CHECK PENALTY TO ELECTRONIC PAYMENTS, ETC.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended by adding at the end the following: ''Except as otherwise provided by the Secretary, any authorization of a payment by commercially acceptable means (within the meaning of section 6311) shall be treated for purposes of this section in the same manner as a check.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to authorizations of payments made after December 31, 2005.

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 7083.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7083, the Charity Enhancement Act of 2008.

This bill responds to hundreds of pages of written comments that were submitted by charities to the Ways and Means Subcommittee on Oversight. This bill contains a number of important provisions to help charities continue their good work.

Charities play such an important role in our country. Charities and foundations make up the very fabric of our communities. They know the deepest human needs of our friends and neighbors, and they know the solutions that work. Often, at critical times, charities and foundations are the leaders that show government the way to care for our citizens. Their services touch every corner of life in our communities—education, the arts, and medical research.

They also serve those who need our help the most by feeding the hungry, caring for the sick and lifting up those who live in poverty. This bill fixes some of the unintended effects of new charitable laws that keep them from doing their good and necessary work.

First, the bill will promote scholarships by relaxing the rules imposed on certain scholarship funds.

Second, the bill would improve disclosure to the public by increasing the electronic filing of tax returns filed by charities and foundations.

Third, the bill will provide relief to certain longstanding supporting organizations created before 1970. Notably, these are charities where the donors are deceased, so there is no concern about misusing the charity for personal gain.

Historically, these charities have distributed significant amounts to their communities over the past 38 years. Their contributions have been used to fund scholarship and support charitable, scientific, and educational activities.

Finally, this bill will allow charities to reimburse reasonable and necessary expenses of volunteer board members.

I urge my colleagues on both sides of the aisle to support our charities and foundations and vote ''yes'' for H.R. 7083.

I reserve the balance of my time.

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

Mr. Speaker, tough economic times are especially tough for America's charitable community. They face increasing demands for services from people in need, and the investments that foundations make in order to grow their endowments have eroded significantly due to market turmoil.

Last year on behalf of the Ways and Means Oversight Subcommittee, Chairman LEWIS requested comments on the implementation of charitable reforms contained in the 2006 Pension Protection Act.

The bill before us responds to many of the concerns that were raised by the charitable community. Specifically, the bill has seven provisions aimed at relieving burdens on charities and on foundations:

Funds advised by certain public charities and government entities would not be treated as donor advised funds.

Certain scholarships given from donor advised funds would not be considered a taxable distribution.

Thirdly, a special written acknowledgment requirement for charitable contributions to donor advised funds would be repealed.

Fourth, supporting organizations would be allowed to pay reasonable compensation to substantial contributors for the services that they perform without the payment being considered an excess benefit.

Also, certain long-standing Type III organizations with no recent major or living donors would be exempt from payout and excess business holding requirements.

In addition, Mr. Speaker, contributions from Indian tribal governments would be treated the same as contributions from States for purposes of determining whether an organization is a public charity or a private foundation.

Finally, the IRS would be allowed to institute electronic filing for charities that file at least five information returns each year.

Mr. Speaker, I am proud to cosponsor Chairman LEWIS' legislation, grateful for his leadership of the Oversight Subcommittee and his friendship over the years. His leadership as chairman of our subcommittee has been thoughtful and bipartisan inclusive. For that I am very grateful. I urge my colleagues to support H.R. 7083, the Charity Enhancement Act to provide relief to America's charitable community.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMPSON), a member of the Ways and Means Committee.

Mr. THOMPSON of California. Mr. Speaker, I would like to thank Mr. LEWIS and Mr. RAMSTAD for their work on this very important bill, a bill that I am proud to be the coauthor of, and I rise today in strong support of this bill.

The provisions of this bill will play a vital role in allowing charitable organizations to better serve our communities. In fact, the two largest organizations representing charities, Independent Sector and the Council on Foundations, have both endorsed this critical legislation because it allows charities to better fulfill their valuable mission.

To help explain the practical impact of this bill, I would like to share the story of the Doyle Trust which benefits thousands of hardworking families.

Doyle Trust was founded 59 years ago to serve the students of Santa Rosa Junior College in Sonoma County, California. On Frank Doyle's death, he established the Doyle Trust which he funded with his 51 percent share in the Exchange Bank. Doyle created his trust so that dividends for his bank stock would go to a scholarship fund to help students attending this junior college.

Last year alone, more than $5 million in scholarships for 5,500 Santa Rosa Junior College students was donated by the Doyle Trust. It is not unusual to find three generations of the same family who have benefited from the Doyle Trust scholarships. The Doyle Trust is an institution in Sonoma County, and its contribution to the community makes a real difference in the lives of working families.

Without this legislation, the mission of the Doyle Trust may be undermined because provisions of the Pension Protection Act could force the trust to sell its assets.

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The unintended consequence of the Pension Protection Act would be to end Doyle Trust's ability to continue providing scholarships to thousands of students at Santa Rosa Junior College.

I urge my colleagues on both sides of the aisle to help us pass this bill to ensure that future generations of Sonoma County families can benefit from the generosity of the Doyle Trust.

Mr. RAMSTAD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the chairman, Mr. LEWIS, and the ranking member, Mr. RAMSTAD, for this work that is now embodied in H.R. 7083. I support the legislation, and thank them for their efforts to move forward on what is a very important subject, and that is encouraging Americans to participate in charitable giving.

The government has a partnership with the charitable sector. The government relies on charities to reach out to populations in need, and that is why the charitable sector receives tax-preferred treatment. We want to incent charitable activity as much as we can because government, by itself, cannot serve the needs of all of those Americans who work very hard but who sometimes fall upon bad times.

At the same time, we find that there are some charitable organizations that are doing tremendous work while others are not, and I believe this is the beginning of a major effort on the part of Congress to try to really focus our attention on the charitable sector to make sure that we are receiving everything Americans expect through that tax-deferred treatment that these charities and nonprofit organizations receive.

One example in this bill of how we are doing good is through the tribal charities provision in this legislation. Tribal charities, charities that are within the jurisdiction of the tribal governments of this country, are a good example of nonprofits that recognize the overwhelming need of a people, in this case, people in Indian country. Tribal charities play a crucial role in serving the needs of members of these many tribes throughout America.

We know that close to 25 percent of Native Americans today live in poverty. It's even higher for Native American children. Some 31 percent live in households that live in poverty. That compares to 11 percent of American children who are non-Native American. We also know that close to 20 percent of Native American seniors today still live in poverty, far greater than we see outside of Indian country. Fewer than 15 percent of Native Americans today go on to receive a bachelor's degree or higher. We need to change that.

So these tribal charities that we find are making every effort to try to reach out to communities throughout Indian country to make it possible for young kids, for adults who work and for seniors to have a chance to benefit from all we can.

Tribal charities under this legislation will be treated the way any other State government or local government is treated when it comes to dealing with charities, the same type of tax treatment. That will give tribes an opportunity to really enhance the ability of tribal charities to do the most good for a larger population. This legislation will go a long way in correcting some of the mistakes that we've made and in correcting some of the omissions that have been there in the past.

Once again, I believe, as I said before, that under the leadership of Chairman LEWIS and with the good help of Mr. RAMSTAD that we're moving forward to make sure that we have a charitable tax deduction that works for everyone and that is optimal in its efforts to try to do public good.

Mr. RAMSTAD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, may I inquire of Mr. RAMSTAD whether he has any additional speakers?

Mr. RAMSTAD. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, this is an important bill, and I want to thank my good friend Mr. RAMSTAD for all of his hard work and for his great work in helping to bring this needed bill before us today.

Given the terrible state of the economy, we need to do all we can to support our charities. We need to promote scholarships, to promote charitable giving and to enhance public disclosure.

I fully support H.R. 7083. I urge all of my colleagues on both sides of the aisle to support our charities and to vote ''yes'' for the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 7083.

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

A motion to reconsider was laid on the table.

INMATE TAX FRAUD PREVENTION ACT OF 2008

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7082) to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7082

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inmate Tax Fraud Prevention Act of 2008''.

SEC. 2. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) IN GENERAL.—Subsection (k) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of certain return and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF CERTAIN RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

''(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose to the head of the Federal Bureau of Prisons any return information with respect to individuals incarcerated in Federal prison whom the Secretary has determined may have filed or facilitated the filing of a false return to the extent that the Secretary determines that such disclosure is necessary to permit effective Federal tax administration.

''(B) RESTRICTION ON REDISCLOSURE.—Notwithstanding subsection (n), the head of the Federal Bureau of Prisons may not disclose any information obtained under subparagraph (A) to any person other than an officer or employee of such Bureau.

''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information received under this paragraph shall be used only for purposes of and to the extent necessary in taking administrative action to prevent the filing of false and fraudulent returns, including administrative actions to address possible violations of administrative rules and regulations of the prison facility.

''(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2011.''.

(b) RECORDKEEPING.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''(k)(8)'' both places it appears and inserting ''(k)(8) or (10)''.

(c) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) of such Code 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) not later than December 31, 2010, submit a written report to Congress on the implementation of section 6103(k)(10).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after December 31, 2008.

(e) ANNUAL REPORTS.—The Secretary of the Treasury shall annually submit to Congress and make publicly available a report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons. Such report shall include statistics on the number of false and fraudulent returns associated with each Federal and State prison.

SEC. 3. RESTORATION OF CERTAIN JUDICIAL SURVIVORS' ANNUITIES.

(a) IN GENERAL.—Section 376 of title 28, United States Code, is amended by adding at the end the following:

''(x) In the case of a widow or widower whose annuity under clause (i) or (ii) of subsection (h)(1) is terminated because of remarriage before attaining 55 years of age, the annuity shall be restored at the same rate commencing on the day the remarriage is dissolved by death, divorce, or annulment, if—

''(1) the widow or widower elects to receive this annuity instead of any other survivor annuity to which such widow or widower may be entitled, under this chapter or under another retirement system for Government employees, by reason of the remarriage; and

''(2) any payment made to such widow or widower under subsection (o) or (p) on termination of the annuity is returned to the Judicial Survivors' Annuities Fund.''.

(b) CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking the period at the end and inserting '', subject to subsection (x).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the first day of the first month beginning at least 30 days after the date of the enactment of this Act and shall apply in the case of a remarriage which is dissolved by death, divorce, or annulment on or after such first day.

(2) LIMITED RETROACTIVE EFFECT.—

(A) IN GENERAL.—In the case of a remarriage which is dissolved by death, divorce, or annulment within the 4-year period ending on the day before the effective date of this section, the amendments made by this section shall apply only if the widow or widower satisfies the requirements of paragraphs (1) and (2) of section 376(x) of title 28, United States Code (as amended by this section) before—

(i) the end of the 1-year period beginning on the effective date of this section; or

(ii) such later date as Director of the Administrative Office of the United States Courts may by regulation prescribe.

(B) RESTORATION.—If the requirements of paragraph (1) are satisfied, the survivor annuity shall be restored, commencing on the date the remarriage was dissolved by death, annulment, or divorce, at the rate which was in effect when the annuity was terminated.

(C) LUMP-SUM PAYMENT.—Any amounts becoming payable to the widow or widower under this subsection for the period beginning on the date on which the annuity was terminated and ending on the date on which periodic annuity payments resume shall be payable in a lump-sum payment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give all Members 5 legislative days to revise and extend their remarks on House bill 7082, as amended.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Minnesota for bringing House bill 7082, the Inmate Tax Fraud Prevention Act of 2008, to the House.

Mr. RAMSTAD has served at my side on the Oversight Subcommittee for years. He has been a wonderful friend, a good friend. We call ourselves brothers. He will be missed when he retires this year. He has worked to make our taxes fair and to protect taxpayers. This bill is a great and shining example of his good effort.

Jim, I want to thank you again for all of your great work, for working so hard, for hanging in there, for never giving up, and for never giving in. Thank you so much.

The Oversight Subcommittee found that thousands of false returns were being filed by prisoners. However, the Internal Revenue Service could not disclose the information to the Federal Bureau of Prisons. This bill was developed to correct this problem. This bill will stop the abuse of our tax system.

I urge all of my colleagues on both sides of the aisle to vote in favor of House bill 7082.

I reserve the balance of my time.

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

I first want to thank my friend, my brother and my chairman—Mr. LEWIS—who represents the absolute best in public service and who is truly the conscience of the Congress. I'm just grateful for his friendship and for the privilege of working with him for the past 18 years.

Mr. Speaker, the legislation before us addresses a very serious situation in America's prisons—rampant tax fraud. I'm deeply grateful to Chairman LEWIS for being an original cosponsor of this legislation and for helping me get this crucial legislation on the suspension calendar and here to the floor today.

When I chaired the Ways and Means Oversight Subcommittee in the last Congress, Mr. Speaker, we held a hearing that featured an inmate from our Federal prison system. He was known as inmate Dole, a prisoner from South Carolina who single-handedly swindled taxpayers out of $3.5 million by filing fraudulent tax returns. That's right, Mr. Speaker, $3.5 million of outrageous tax fraud committed by a prisoner while he was behind bars, while incarcerated in a Federal prison.

The hearing revealed that this was no isolated incident. There is massive tax fraud going on within the walls of our Nation's prisons. In fact, the IRS reports that 15 percent of all tax fraud committed in America is committed by prison inmates, 15 percent.

As we all agree here, tax fraud in any form is unacceptable and illegal, obviously, but it's particularly outrageous when it's committed by prison inmates who are supposed to be paying their debt to society and not bilking taxpayers. While the IRS is able to catch some of it, far too much inmate tax fraud falls through the cracks. Unfortunately, the IRS is prohibited by law

from sharing information with prison officials, information that would allow them to take action to punish and to stop this fraud from going on in their prison facilities right under their noses. So, in other words, Mr. Speaker, Federal law enforcement is effectively blocked from pursuing these cases because of the ban on information sharing.

Well, this legislation that I have introduced and have brought here today, the Inmate Tax Fraud Prevention Act, would allow the IRS to reveal information on tax fraud to the Federal Bureau of Prisons and to compile statistics on tax fraud in each and every Federal and State prison. The authority for the IRS to disclose tax fraud information sunsets in 3 years, and the Treasury Inspector General for Tax Administration will issue a report, so in 3 years, Congress can determine whether the program should be renewed and whether other changes should be implemented.

Mr. Speaker, in conclusion, let me just say that it's obviously time to protect honest taxpayers from this blatant, outrageous fraud that's being committed by prison inmates. I urge my colleagues to protect this commonsense, bipartisan legislation that will protect the taxpayers. Support the Inmate Tax Fraud Prevention Act because the taxpayers of America deserve nothing less.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to inquire as to whether Mr. RAMSTAD has any additional speakers.

Mr. RAMSTAD. Mr. Speaker, I have no further speakers.

Mr. LEWIS of Georgia. I am prepared to close, Mr. Speaker.

Mr. RAMSTAD. Mr. Speaker, having no further speakers, I would be happy to yield back my time, and I look forward to Mr. LEWIS' closing.

Mr. LEWIS of Georgia. Mr. Speaker, again, I want to thank my friend from Minnesota (Mr. RAMSTAD) for his good and great work for bringing this bill before us today. The Inmate Tax Fraud Prevention Act is an important bill, and I urge its passage. I fully support House bill 7082, and I urge all of my colleagues on both sides of the aisle to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 7082, as amended.

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

The title was amended so as to read: ''A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, and for other purposes.''.

A motion to reconsider was laid on the table.

MEDICARE IDENTITY THEFT PREVENTION ACT OF 2008

Mr. DOGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6600) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6600

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 ''Medicare Identity Theft Prevention Act of 2008''.

SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(x) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a social security account number (or any derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is easily identifiable as not being the social security account number (or a derivative thereof).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 24 months after the date adequate funding is provided pursuant to subsection (d)(2).

(2) REISSUANCE.—Subject to subsection (d)(2), in the case of individuals who have been issued such cards before such date, the Secretary of Health and Human Services—

(A) shall provide for the reissuance for such individuals of such a card that complies with such amendment not later than 3 years after the effective date specified under paragraph (1); and

(B) may permit such individuals to apply for the reissuance of such a card that complies with such amendment before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(c) OUTREACH PROGRAM.—Subject to subsection (d)(2), the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall conduct an outreach program to Medicare beneficiaries and providers about the new Medicare card provided under this section.

(d) REPORT TO CONGRESS AND LIMITATIONS ON EFFECTIVE DATE.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Commissioner of Social Security, shall submit to Congress a report that includes detailed options regarding the implementation of this section, including line-item estimates of and justifications for the costs associated with such options and estimates of timeframes for each stage of implementation. In recommending such options, the Secretary shall take into consideration, among other factors, cost-effectiveness and beneficiary outreach and education.

(2) LIMITATION; MODIFICATION OF DEADLINES.—With respect to the amendment made by subsection (a), and the requirements of subsections (b) and (c)—

(A) such amendment and requirements shall not apply until adequate funding is appropriated pursuant to paragraph (3) to implement the provisions of this section, as determined by Congress; and

(B) any deadlines otherwise established under this section for such amendment and requirements are contingent upon the receipt of adequate funding (as determined in subparagraph (A)) for such implementation.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to any amounts made available to the Secretary of Health and Human Services for the Program Management Account of the Centers for Medicare & Medicaid Services for administrative expenses and to the Commissioner of Social Security for administrative expenses, and subject to subparagraph (B), taking into consideration the report submitted under paragraph (1), there is authorized to be appropriated such sums as are necessary to carry out the provisions of this section, including section 205(c)(2)(C) of the Social Security Act, as added by subsection (a), for each of the five fiscal years beginning after the date of submittal of the report under paragraph (1).

(B) LIMITATION.—Such funds are not authorized to be appropriated until after receipt of the report provided under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. DOGGETT) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Thank you, Mr. Speaker. It is an all-Texas act this afternoon, but it's about a measure that affects seniors and individuals with disabilities all over this country.

GENERAL LEAVE

Mr. DOGGETT. Let me first ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and to add any extraneous material in the RECORD concerning H.R. 6600, as amended.

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

There was no objection.

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

There are 44 million seniors and individuals with disabilities who carry in their wallets or in their purses something that makes them unnecessarily more vulnerable to identity theft, and that is their Medicare cards. Apart from the Social Security card, itself, the Medicare card is the most frequently issued government document displaying a Social Security number. This practice invites foul play.

To protect both the savings and the peace of mind of Medicare beneficiaries, I've introduced with the assistance and the encouragement of my

colleague from Texas, the ranking member on the Social Security Subcommittee, Mr. JOHNSON, the Medicare Identity Theft Prevention Act. This bipartisan legislation would require Medicare to take the steps that private companies and that other government agencies have already taken to protect the identities of our seniors.

Every time a senior or an individual with a disability hands over a Medicare card, that person is handing over the keys of financial security. With increasingly sophisticated thefts by identity thieves, inaction is unacceptable. Seniors have saved and have built over their lifetimes their financial security and their reputations.

□ 1500

Their savings and their credit should not be put needlessly at risk if someone steals their Medicare card. Just as a doctor swears an oath to do no harm in practicing medicine, Medicare should make sure that it does no harm to the financial security and credit rating of its beneficiaries. The Medicare Identity Theft Prevention Act will help to ensure that the government better protects seniors from identity theft, denying thieves access to this critical data.

The private sector and government agencies, including the Veterans Administration and the Department of Defense, have begun to protect Social Security numbers from identity thieves. But Medicare has not yet taken appropriate steps to do this, hence this legislation.

Inaction jeopardizes the safety of millions of our seniors and individuals with disabilities. This legislation has the support of the Consumers Union, the National Committee to Preserve Social Security and Medicare, the National Silver-Haired Congress, and the Texas Silver-Haired Legislature, as well as the Elder Justice Coalition.

Seniors confront many threats to their retirement security these days. This bill is one way to prevent their falling victim to swindlers. I urge the adoption of the bill.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of the bill H.R. 6600, the Medicare Identity Prevention Act. I thank Mr. DOGGETT for bringing it up. Apparently we can't get any resolution on Social Security so we need to do it one baby step at a time.

Americans are rightly worried about the security of their personal information, including their Social Security number. Practically every day we hear about another data breach in the private or public sector where identity information of hundreds, if not thousands, of people is stolen.

According to the Privacy Rights Clearinghouse, the total number of known records that have been compromised since January 2005 is over 158 million. Even though Social Security numbers were created to track earnings for determining benefit amounts under Social Security, these numbers are now unfortunately widely used as personal identifiers.

According to the Government Accountability Office, Social Security numbers have become the ''identifier of choice'' and are used for all sorts of business transactions. In an April 2007 report, the President's Identity Theft Task Force identified the Social Security number as the most valuable commodity for an identity thief.

These thieves are hard at work. The Federal Trade Commission estimates that about 5 percent of all of the adult population has been victim of identity theft. Even worse, the true number of victims of that crime is unknown since most victims don't report it.

We also know that this is a serious problem for illegal immigration. During a recent hearing at the Social Security Subcommittee, we learned that a credible set of fake identity documents costs about $350. With those fake documents, illegal immigrants can get a job and even sneak through the government's E-Verify system which is meant to verify whether an employee is eligible to work in this country.

Congress must get to work on identity theft, and removing the Social Security number from widespread circulation is an excellent place to start. For years, the Ways and Means Subcommittee on Social Security has been working on this problem in a bipartisan way. We have approved bills to protect the privacy of Social Security numbers and prevent identity theft since the 106th Congress when it first approved the Social Security Number Privacy and Identity Theft Prevention Act. That legislation was introduced on a bipartisan basis by then-Subcommittee Chairman Clay Shaw and then-ranking member, the late Bob Matsui.

The Ways and Means Committee has begun working on this and so has the Energy and Commerce Committee. Our two comprehensive bills are really not that far apart, yet we are repeatedly met with opposition from those groups which prefer to splash Social Security numbers on every personal document they want. The comprehensive efforts of our two committees are being met with the same resistance they met in previous years until now.

I commend my colleague from Texas (Mr. DOGGETT) for working in a bipartisan way and not giving up on the issue. Sometimes you just have to take an issue one bite at a time.

The bill H.R. 6600, Medicare Identity Theft Prevention Act, will take the Social Security number off the Medicare card. It is completely ridiculous that people are told not to carry their Social Security card in order to protect their identity, but then every senior citizen is told they must carry their Medicare card, which has their Social Security number on it.

When the wallet of a senior citizen has been stolen, even a low-tech crook can get the identity theft. It's not the card itself; it's a fact that then every medical record at nursing homes, hospitals, and doctor offices has a Social Security number written on it.

The wholesale amount of Social Security numbers that are available to identity thieves is staggering and completely unnecessary. The Centers for Medicare and Medicaid Services must change their tracking number for Medicare purposes.

In just a few years, the first baby boomers are going to be turning 65 and become eligible for Medicare. Rather than a huge wave of retirees being issued an ''identity theft kit'' when they receive a Medicare card, that card should have a unique identifier. Private insurance moved away from Social Security cards years ago. Medicare needs to do that, too.

The problem of identity theft is not going to be addressed with one single piece of legislation, but we must start somewhere, and starting with Medicare cards before Boomers become eligible is a great place to start.

Thank you, Mr. DOGGETT, for your support. I urge my colleagues to support this bill as well.

I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, I would yield myself such time as I might consume in closing.

Mr. Speaker, I think our colleague from Texas. Mr. JOHNSON has done an excellent job of outlining the scope of identity theft. It's something we hear about every day and sometimes think it's about someone else in some other place until it strikes a friend or loved one.

We need to do a great deal to address identity theft. This is one small measure to encourage the folks at Medicare to begin to phase in a new type of identity marker for Medicare beneficiaries so that we will eliminate this particular source of the problem of identity theft.

I want to acknowledge Kathleen Black on Mr. JOHNSON's staff, Jackie Binder on mine, as well as our colleague, the chairman of the Social Security Subcommittee, who will be completing his last term here, Mike McNulty of New York, and also to acknowledge the great interest and help from our colleague Representative PAUL HODES of New Hampshire who filed similar legislation and then worked with us to get this legislation approved. He's unable to be here today, but he's been very concerned about the identity theft issue and has offered great help in fashioning this legislation.

And with that, Mr. Speaker, I believe the problem is clear. The small step we're taking through this legislation is clear, and I would move adoption of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H.R. 6600, the ''Medicare Identity Theft Prevention Act of 2008'' I would like to thank my colleague Congressman DOGGETT and the Ways and Means Committee.

This legislation today to require the federal government to remove Social Security numbers from Medicare identification cards and communications to Medicare beneficiaries.

The Centers for Medicare and Medicaid Services (CMS), which administers the Medicare program, has fallen behind most other public and private organizations in recognizing the danger of displaying Social Security numbers. The Social Security Number Protection Act ensures that the Social Security numbers of Medicare beneficiaries are properly protected.

Every year, millions of Americans are victims of identity theft—many after their Social Security numbers are stolen. Instead of leading by example, the federal government is lagging behind private health insurers and other public agencies in protecting Medicare recipients from identity theft. CMS's continued use of Social Security numbers on Medicare cards needlessly places people at risk.

This bill ensures that a premium is placed on security and that personal information is protected. It makes no sense for a CMS to continue exposing Medicare beneficiaries to the risk of identity theft. We should pass this bill quickly and fix this problem once and for all.

I believe that this is one of those clear-cut problems that is easy to fix. With identity theft on the rise, removing social security numbers from Medicare beneficiary cards is the smart thing to do. Identity theft is one of the fastest-growing crimes in the nation. Nearly 8.4 million people were victims of identity theft last year alone, and these crimes accounted for more than $49.3 billion in fraudulent charges.

Nearly three years ago, Senator DURBIN raised concerns about the use of Social Security numbers on Medicare cards. Because of his efforts, CMS issued a report to Congress hat outlined the steps that would be required to remove Social Security numbers from Medicare cards, but has failed to implement those changes.

In May 2008, the Inspector General of the Social Security Administration issued a report which concluded that: "Given the millions of individuals at risk for identity the and OMB's directive to eliminate unnecessary uses of Social Security numbers, we believe immediate action is needed to address this significant vulnerability.

Today's legislation sets a timeframe for CMS to remove Social Security numbers from Medicare cards and communications to beneficiaries. The bill will:

Require the Health and Human Services Secretary to implement procedures to eliminate the unnecessary collection, use, and display of Social Security numbers of Medicare beneficiaries within three years;

Prohibit the display or the unencrypted electronic storage of Social Security numbers on newly issued Medicare cards;

Prohibit the display or the unencrypted electronic storage of Social Security numbers on all Medicare cards with five years of enactment; and

Prohibit the display of Social Security numbers on written and electronic communications to Medicare beneficiaries, unless essential for the operation of the Medicare program.

I am proud to cosponsor legislation that will protect our elderly. I urge my colleagues to join me in supporting this legislation.

Mr. DOGGETT. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT) that the House suspend the rules and pass the bill, H.R. 6600, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SAM JOHNSON of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 3229. An act 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.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes:

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the bill (H.R. 2638) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.".

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

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3641. An act to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984.

PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3477) to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3477

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 "Presidential Historical Records Preservation Act of 2008".

SEC. 2. GRANT PROGRAM.

Section 2504 of title 44, United States Code, is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

"(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—

"(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the 'Presidential Libraries Act of 1955').

"(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is—

"(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

"(B) a State or local government of the United States.

"(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records or historical documents relating to any former President covered under paragraph (1).

"(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

"(5) APPLICATION.—

"(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit to the Commission an application at such time, in such manner, and containing or accompanied by such information as the Commission may require, including a description of the activities for which a grant under this subsection is sought.

"(B) APPROVAL OF APPLICATION.—The Commission shall not consider or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

"(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense;

"(ii) has appropriate facilities and space for preservation of, and public access to, the historical works and collections of historical sources;

"(iii) shall ensure preservation of, and public access to, such historical works and collections of historical sources at no charge to the public;

''(iv) has educational programs that make the use of such documents part of the mission of such entity;

''(v) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

''(vi) shall coordinate with any relevant Federal program or activity, including programs and activities relating to Presidential archival depositories;

''(vii) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private educational historical entities; and

''(viii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources.''.

SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS; RECUSAL.

(a) TERM LIMITS.—

(1) IN GENERAL.—Section 2501(b)(1) of title 44, United States Code, is amended—

(A) by inserting ''not more than 2'' after ''subsection (a) shall be appointed for''; and

(B) in subparagraph (A), by striking ''a term'' and inserting ''not more than 4 terms''.

(2) EFFECTIVE DATE.—The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

(b) RECUSAL.—

(1) IN GENERAL.—Section 2501 of title 44, United States Code, is amended by adding at the end the following:

''(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent.''.

(2) EFFECTIVE DATE.—The requirement of recusal provided in the amendment made by paragraph (1) shall apply to members of the National Historical Publications and Records Commission serving on or after the date of enactment of this Act.

SEC. 4. ONLINE ACCESS OF FOUNDING FATHERS DOCUMENTS; TRANSFER OF FUNDS.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after section 2119 the following:

''§ 2120. Online access of founding fathers documents

''The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

''(1) George Washington;

''(2) Alexander Hamilton;

''(3) Thomas Jefferson;

''(4) Benjamin Franklin;

''(5) John Adams;

''(6) James Madison; and

''(7) other prominent historical figures, as determined appropriate by the Archivist of the United States.''.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Archivist of the United States, in the role as chairman of the National Historical Publications and Records Commission may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Codes.

(2) REPORT.—Not later than December 31st of each year, the Archivist of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by adding after the item relating to section 2119 the following:

''2120. Online access of founding fathers documents.''.

SEC. 5. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Archivist of the United States may establish an advisory committee to—

(1) review the progress of the Founding Fathers editorial projects funded by the National Historical Publications and Records Commission;

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

(3) annually review such goals and report to the Archivist on the progress of the various projects in meeting the goals; and

(4) recommend to the Archivist measures that would aid or encourage the projects in meeting such goals.

(b) REPORTS TO THE ADVISORY COMMITTEE.—Each of the projects described in subsection (a)(1) shall provide annually to the advisory committee established under subsection (a) a report on the progress of the project toward accomplishing the completion goals and any assistance needed to achieve such goals, including the following:

(1) The proportion of total project funding for the funding year in which the report is submitted from—

(A) Federal, State, and local government sources;

(B) the host institution for the project;

(C) private or public foundations; and

(D) individuals.

(2) Information on all activities carried out using nongovernmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) COMPOSITION; MEETINGS; REPORT; SUNSET; ACTION.—The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive 4-year terms;

(2) meet not less frequently than once a year;

(3) provide a report on the information obtained under subsection (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives not later than 1 year after the date of enactment of this Act and annually thereafter;

(4) terminate on the date that is 8 years after the date of enactment of this Act; and

(5) recommend legislative or executive action that would facilitate completion of the performance goals for the Founding Fathers editorial projects.

SEC. 6. CAPITAL IMPROVEMENT PLAN FOR PRESIDENTIAL ARCHIVAL DEPOSITORIES; REPORT.

(a) IN GENERAL.—

(1) PROVISION OF PLAN.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a 10-year capital improvement plan, in accordance with paragraph (2), for all Presidential archival depositories (as defined in section 2101 of title 44, United States Code), which shall include—

(A) a prioritization of all capital projects at Presidential archival depositories that cost more than $1,000,000;

(B) the current estimate of the cost of each capital project; and

(C) the basis upon which each cost estimate was developed.

(2) PROVIDED TO CONGRESS.—The capital improvement plan shall be provided to the committees, as described in paragraph (1), at the same time as the first Budget of the United States Government after the date of enactment of this Act is submitted to Congress.

(3) ANNUAL UPDATES AND EXPLANATION OF CHANGES IN COST ESTIMATES.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives—

(A) annual updates to the capital improvement plan described in paragraph (1) at the same time as each subsequent Budget of the United States Government is submitted to Congress; and

(B) an explanation for any changes in cost estimates.

(b) AMENDMENT TO MINIMUM AMOUNT OF ENDOWMENT.—Section 2112(g)(5)(B) of title 44, United States Code, is amended by striking ''40'' and inserting ''60''.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Archivist of the United States shall provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, that provides 1 or more alternative models for presidential archival depositories that—

(1) reduce the financial burden on the Federal Government;

(2) improve the preservation of presidential records; and

(3) reduce the delay in public access to all presidential records.

SEC. 7. ESTABLISHMENT OF NATIONAL DATABASE FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

(a) IN GENERAL.—The Archivist of the United States may preserve relevant records and establish, as part of the National Archives and Records Administration, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—Any database established under this section shall be maintained by the National Archives and Records Administration or an entity within the National Archives and Records Administration designated by the Archivist of the United States.

SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

(a) IN GENERAL.—The Executive Director of the National Historical Publications and

Records Commission of the National Archives and Records Administration may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by the Executive Director of the National Historical Publications and Records Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand to urge the passage of S. 3477. The National Historical Publications and Records Commission is the grant-making arm of the National Archives and Records Administration. The NHPRC makes grants to help identify, preserve, and provide public access to records, photographs, and other materials that document American history. The grants go to State and local archives, colleges and universities, libraries, historical societies, and other nonprofit organizations throughout the country.

This legislation provides that the Archivist, with the recommendations of the NHPRC, may grant money to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained under the Presidential Libraries Act of 1955.

This bill also includes provisions that limit the tenure of members of the NHPRC and provides for their recusal from matters that pose, or potentially pose, a conflict of interest.

The bill provides for online access to the Founding Fathers documents, establishes an advisory committee for the NHPRC, and requires that the Archivist develop a 10-year capital improvement plan with annual updates to Congress.

Additionally, this legislation authorizes the Archivist to establish an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

None of the programs authorized in this act shall take precedent over existing programs funded by the Commission unless there is an increase in authorization of appropriations and an increase in appropriated funds to fund these programs.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Like many of our Nation's Presidents, this bill has its roots in Virginia. The important mission of the Woodrow Wilson Presidential Library in Staunton, Virginia, and the determination of the individuals there combined to move this legislation forward.

I want to thank Mr. GOODLATTE for his hard work on this legislation. He's really worked many years on this. I also want to recognize the valuable contribution of its sponsor in the other body, Senator WARNER, and also recognize and acknowledge the important provisions added by Senators CARPER and LIEBERMAN.

This bill modifies an existing program within the National Historical Publications and Records Commission to ensure that grant funding is available to preserve, and provide public access to, historical documents of Presidents not currently covered under the Presidential Libraries Act of 1955.

□ 1515

The bill makes structural changes to the commission by placing 8-year term limits on members and requires members to recuse themselves from votes that would lead to a conflict of interest.

In addition, it allows the Archivist to publish online the various public cases funded by the commission of the Founding Fathers and any other prominent historical figures.

Finally, the bill grants the Archivist the ability to establish a database for Federal records of servitude, emancipation and post-Civil War reconstruction and provides that the National Historic Publication and Records Commission may make grants to preserve local records of servitude, emancipation and post-Civil War reconstruction.

This bill has solid bipartisan support. I want to thank Chairman WAXMAN for his support and also Mr. CLAY for being here to usher this through today. It has taken a lot of hard work behind the scenes on the part of our staffs in order to increase the awareness and the understanding of the life and principles and accomplishments of our past Presidents. I just want to ask my colleagues to join me in supporting this legislation.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I continue to reserve. I don't have any other speakers.

Mr. DAVIS of Virginia. If I could yield to the bill's sponsor who has really worked on this through the years and has really helped to shepherd this through both bodies, the gentleman from Roanoke, Mr. GOODLATTE. I yield to him such time as he may consume.

Mr. GOODLATTE. I want to thank Ranking Member DAVIS, my colleague from Virginia, for not only yielding me time but also for his leadership in working so hard with Chairman WAXMAN, with Members of the Senate and others who have been involved in pushing this legislation forward, for helping to finally reach this day in which we have legislation that concurs with legislation in the Senate.

I urge my colleagues to support the Presidential Historic Records Preservation Act of 2008. I introduced similar legislation a few weeks ago in the House, along with my colleagues in the Senate, Senators JOHN WARNER and JIM WEBB.

Mr. Speaker, the National Historical Publications and Records Commission is a statutory body affiliated with the National Archives and Records Administration. The NHPRC was established by Congress in 1934 to promote the preservation and use of America's documentary heritage essential to understanding our democracy, history, and culture.

Currently, the NHPRC is authorized to administer grants to promote preservation and use of America's documentary heritage. The NHPRC supports projects that preserve and make accessible records and archives, and research and develop means to preserve authentic electronic records. Unfortunately, the NHPRC does not preserve the documents of all Presidents.

The Presidential Historical Records Preservation Act of 2008 would allow NHPRC to make grants on a competitive basis to eligible entities to promote the historic preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to the Presidential Libraries Act of 1955.

Mr. Speaker, this legislation, in order to be eligible to receive these grants, an entity must qualify as a 501(c)(3) of the Internal Revenue Code or be a State or local government. In order to maintain the integrity of the grant program, the NHPRC may only approve grants to those entities that possess historical works and collections of historical sources that the commission considers appropriate for preserving, publishing, or otherwise recording at the public expense. The entity must also have appropriate facilities

and space for preservation of such historical works and ensure public access to these collections.

Finally, to maintain the fiscal integrity of this act, the receiving entity must have raised funds from non-Federal sources in support of the grant efforts. In addition, grants may not be used for the maintenance, operating costs, or construction of any facility to house the historical records of any President who does not have a Presidential archival depository currently managed by the Federal Government. Mr. Speaker, as you can see, the focus of the bill is preservation and access to documents, not constructing new buildings or monuments.

I also commend my colleagues in the Senate for their improvements to this bill by allowing the Archivist to provide greater online access to historical documents of our Nation's Founding Fathers. With this provision, future generations will have greater access to the stories and journeys on the creation of our great country.

I want to thank my colleagues, Ranking Member DAVIS and Chairman WAXMAN, for their help with this legislation. I would also like to thank the staff at the Archives and Senators WARNER and WEBB for their assistance, as well as the Senate Committee on Government Affairs and Homeland Security in crafting this important bill.

Finally, I especially want to thank my constituents at the Woodrow Wilson Presidential Library in Staunton, Virginia, for their assistance and guidance as this bill has taken on many forms over the past few years. The Woodrow Wilson Presidential Library has preserved several thousand documents, and it is my hope that these NHPRC grants will help organizations like this serve the American public.

Mr. DAVIS of Virginia. I yield back the balance of my time and urge my colleagues to support the bill.

Mr. CLAY. Mr. Speaker, first before I close, I would like to commend my two colleagues from Virginia, Mr. GOODLATTE and Mr. DAVIS, as well as their two U.S. Senators for introducing this important piece of legislation and shepherding it through, and I urge my colleagues to support this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 3477.

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

A motion to reconsider was laid on the table.

WAIVING CLAIMS TO CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6669) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6669

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

SECTION 1. TREATMENT OF OWNERSHIP OF CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT.

(a) IN GENERAL.—If any person makes a gift of any property described in subsection (b) to the National Archives and Records Administration, then any claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

(b) PROPERTY DESCRIBED.—Property is described in this subsection if such property is a part of the collection of documents, papers, and memorabilia relating to Franklin Delano Roosevelt, or any member of his family or staff, which was originally in the possession of Grace Tully and retained by her at the time of her death, and included in her estate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

As a member of the House Committee on Oversight and Government Reform, I rise today in support of H.R. 6669, which was introduced by Congresswoman Kirsten Gillibrand on July 30, 2008.

This bill waives a government interest in certain records in order to allow private owners of some personal papers of President Franklin Delano Roosevelt to deliver these valuable papers, called the Tully Collection, to the FDR Presidential Library in Hyde Park, New York.

The owners of the collection currently want to donate the papers to the FDR Library, but because the National Archives asserted a claim to a portion of the collection, the owners would be ineligible for a common tax deduction for the fair market value of the donation.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume. I will try to be brief.

Mr. Speaker, this is a simple bill with the limited purpose of waiving certain claims of the United States to specific documents relating to President Franklin Delano Roosevelt.

The papers in question, known as the Tully Collection, are a very important and valuable collection of materials relating to Roosevelt's Presidency.

Grace Tully served on President Roosevelt's secretarial staff for several decades and in 1941 became his personal secretary. After her death, her collection of personal papers passed on through her niece into the hands of private collectors, and finally, to the current owner, Sun Times Media, which bought the collection for $8 million in 2001.

In 2004, the National Archives asserted a claim to a portion of the documents. Sun Times Media would now like to donate the entire collection to the FDR Presidential Library, but due to the Archives' formal claim, Sun Times Media is prevented from receiving any type of tax deduction for this, the donation.

This bill will address the legal barriers preventing the transfer of this very important collection to President Roosevelt's library.

I understand this bill has the strong support of members of the New York delegation. I would urge Members to support this legislation to help complete this historical collection.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers. I will continue to reserve.

Mr. DAVIS of Virginia. I yield back the balance of my time and urge its adoption.

Ms. SLAUGHTER. Mr. Speaker, today I am proud to support HR 6669, a bill that will waive and relinquish claims by the United States to certain documents relating to Franklin Delano Roosevelt. This legislation would allow the transfer of the Tully/Suckley papers from the Sun Times Media to the Franklin Delano Roosevelt Library. These papers shed a great deal of light on the FDR era and are the largest collection of FDR documents and memorabilia in private hands.

Franklin Delano Roosevelt started his political career in New York State by working vigorously for reform movements that would redefine the role of government, and he never stopped. The programs that epitomized the New Deal had their genesis in Albany. As governor, Roosevelt implemented many of the innovative, progressive policies he would later introduce to the Nation as President. He expanded state assistance to social services and state agencies and eased the hardships on New York's agricultural industry by encouraging tax cuts for small farmers. Upon the onset of the Great Depression, he authorized the New York State Unemployment Relief Act and the Temporary Emergency Relief Administration.

In 1928, Roosevelt won the Democratic nomination for Governor at the Naval Armory in my home city of Rochester, New York. While serving as Governor, his successes elevated him to national prominence, and in 1932, he was elected President of the United States for the first of an unprecedented—and never to be repeated—four terms in office.

Franklin Roosevelt embraced the unique capabilities of every individual and worked tirelessly to ensure that all Americans would be able to earn a living and build this great Nation. As a result of initiatives like the PWA, the

WPA, and the CCC, the unemployed got jobs, people were able to support their families, and this Nation was able to grow and prosper. I hope that, as public servants, my colleagues will join me in following in his example by supporting honest policies that work to better the lives of American people.

Franklin Roosevelt had great regard for public service, and served with a sense of responsibility and honor. His respect for the American people and the value he placed on their well-being and security drove everything he did. President Roosevelt came to embody strength, hope and resolve during some of the most difficult days in our Nation's history. From the economic distress of the Great Depression to the horrifying attack on Pearl Harbor that caused the Nation to enter World War II, Roosevelt's steadfast leadership ignited an economic engine and calmed a frightened nation.

The legacy of his policies will certainly outlast my lifetime and will continue to benefit my children and grandchildren for years to come. We owe him an unpayable debt of gratitude. And while only those closest to him realized that he couldn't walk unaided, as former Governor of New York, Mario Cuomo said, "Franklin Roosevelt lifted himself from his wheelchair to lift this nation from its knees."

Today more than ever, we can learn from Franklin Roosevelt's leadership. There is no better way to do this than to study his past. By allowing the transfer of these documents, it will open up the life of Franklin Roosevelt for everyone to enjoy. With the economic distress that our nation is facing today, we would do well to follow President Roosevelt's example. There is little doubt this nation could use some lifting up right about now.

This bill makes sense, is non-controversial, and is for the good of the United States. Please support this legislation that would allow this transfer to the FDR Library. It would shed light on one of the most important Presidents of the 20th Century and greatly consolidate the legacy of the Roosevelt era. I am honored to rise today and support this legislation and encourage my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Virginia. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AIR CARRIAGE OF INTERNATIONAL MAIL ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3536) to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3536

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 "Air Carriage of International Mail Act".

SEC. 2. 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 inserting 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.''.

(10) 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.

(11) 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

S. 3536 would eliminate the Department of Transportation's international rate-setting authority and allow the Postal Service to contract with U.S. air carriers for international mail transportation rates and services.

The Postal Service currently spends well over $200 million annually to transport international mail, at rates set by regulation, not the marketplace. The current system for setting international mail air transportation rates is almost 30 years old and does not accurately reflect the cost of international mail carriage in today's highly competitive markets.

Both the GAO and the Postal Service Office of Inspector General support the end of DOT's role in setting international mail rates. Indeed, the bill has the support of the United States air carriers and the Postal Service and reflects the collaborative efforts of both groups to develop legislation they could embrace.

Allowing the Postal Service to negotiate and contract for the international air transportation of mail at fair and reasonable prices means approximately $50 million a year in savings. According to the Postal Service, ''roughly half of that savings would be passed through to the Department of Defense, which reimburses the Postal Service for the transportation of international military mail.'' As such, S. 3536 also enjoys the support of the Department of Defense Military Postal Service Agency and DOT.

I commend my colleague, Senator CARPER, for his leadership on this important legislation. I also commend Chairman WAXMAN and Ranking Member Tom Davis for their strong support over the years to allow the Postal Service to obtain savings for postal customers and secure much more competitive mail rates.

□ 1530

In closing, I support the passage of S. 3536.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the many things we tried to accomplish during our long effort to update the Postal Reorganization Act was to find a way to save the U.S. Postal Service money by allowing it to competitively award contracts to transport international mail between any of the points in foreign air transportation.

Despite Chairman WAXMAN's and my best efforts, we failed to come to an agreement on this issue before the Postal Reform bill passed in 2006. Over the past year, the Postal Service and the American airline industry have worked on an agreement that I think both parties can support, and that agreement is the legislation before us today.

This bill will allow the Postal Service to competitively award contracts to U.S. airlines for the transportation of international mail overseas. The legislation also would save money for the U.S. Department of Defense, which reimburses the Postal Service for the transportation of mail overseas. This bill enables the Postal Service to participate in today's highly competitive market and secure much more competitive mail rates, maximizing efficiency and providing better service for postal customers.

It is well known that the Postal Service is under serious financial strain and that this agreement will help, in part, to eliminate some of that burden. It is estimated the Postal Service could save up to $50 million as a result of the enactment of this legislation.

It's disappointing to see that there is a thread of protectionism running through this legislation in that non-American airlines are not free to compete on an even footing with American-owned airlines. This means the taxpayer won't always be getting the very best deal possible.

But Postal Service needs relief and postal customers deserve better and more cost-effective service, and this bill advances that. This bill seeks to accomplish this, and for this reason I support the bill and ask my colleagues to do the same.

I want to thank, again, Mr. WAXMAN, Mr. CLAY, Senator CARPER on the Senate side, along with Mrs. COLLINS of Maine for their support in bringing this together.

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

Mr. CLAY. Mr. Speaker, before I close, I would like to publicly say what a pleasure it has been to serve with my friend from Virginia (Mr. DAVIS). He was the former chairman of the Oversight and Government Reform Committee and now the ranking member. But since I got here in 2000, he has been nothing but a friend to me, and I appreciate his service. I know we're getting close to adjournment, but I'm sure this won't be the last time we hear from TOM DAVIS.

Mr. DAVIS of Virginia. Thank you very much.

Mr. WAXMAN. Madam Speaker, enclosed is an exchange of letters between the Chairmen of the House Committee on Oversight and Government Reform and the House Committee on Transportation and Infrastructure regarding S. 3536 the "Air Carriage of International Mail Act."

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 27, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding S. 3536, the ''Air Carriage of International Mail Act''.

S. 3536 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over S. 3536.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding S. 3536, the ''Air Carriage International Mail Act.''

I agree that provisions in S. 3536 are of jurisdictional interest to the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of S. 3536, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of S. 3536.

This exchange of letters will be placed in the Congressional Record as part of the consideration of S. 3536 in the House.

I thank you for working with me to pass this important legislation.

Sincerely,

HENRY A. WAXMAN,
Chairman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 3536.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Virginia. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LEO J. RYAN POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6982) to designate the facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, as the ''Leo J. Ryan Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6982

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

SECTION 1. LEO J. RYAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, shall be known and designated as the ''Leo J. Ryan Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Leo J. Ryan Post Office Building''.

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.

CONGRATULATING THE WAIPIO LITTLE LEAGUE BASEBALL TEAM FOR WINNING THE 2008 LITTLE LEAGUE WORLD CHAMPIONSHIP

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1436 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1436

Whereas, on August 24, 2008, the Waipio Little League baseball team from Waipio, Hawaii, defeated the Matamoros Little League team of Tamaulipas, Mexico, by a score of 12 to 3, to become the 2008 Little League Champions in the 2008 Little League World Series at Williamsport, Pennsylvania;

Whereas the Waipio Little League team went undefeated through the 2008 Little League World Series defeating—

(1) Shelton National Little League team of Shelton, Connecticut, by 3 to 1;

(2) Citrus Park Little League team of Tampa, Florida, 10 to 2;

(3) Canyon Lake Little League team of Rapid City, South Dakota, 6 to 4;

(4) Mill Creek Little League team of Mill Creek, Washington, 9 to 4;

(5) South Lake Charles Little League team of Lake Charles, Louisiana, 7 to 5; and

(6) Matamoros Little League team of Tamaulipas, Mexico, 12 to 3;

Whereas the first 12 runs scored by the Waipio Little League team were the most by one team in a World Series title game since 1998;

Whereas the winning margin by the Waipio Little League team was the largest ever by a United States team over an international opponent in the title game;

Whereas the 2008 Championship is the fourth World Championship title in a row for the United States;

Whereas, on August 23, 2008, the Waipio Little League team won the United States Championship in a come-from-behind victory, scoring six runs in the sixth and final inning to win by 7 to 5;

Whereas they displayed the perseverance, persistence, determination, and never-give-up attitude of true champions and set an example for men, women, and children all across the United States;

Whereas the 2008 Waipio Little League World Champions are Iolana Akau, Jedd Andrade, Christian Donahue, Caleb Duhay, Ulumano Farm, Kainoa Fong, Trevor Ling, Keelen Obedoza, Khade Paris, Tanner Tokunaga, Jordan Ulep, Pikai Winchester, Matthew Yap, manager Timo Donahue, and coaches Kiha Akau and Gregg Tsukawa;

Whereas the Waipio Little League team was successful because of solid coaching and execution of fundamentals and discipline;

Whereas the World Series victories of the Waipio Little League baseball team exemplifies the sportsmanship, hard work, and dedication of its players, coaches, and families; and

Whereas the achievement of the Waipio Little League team is the cause of enormous pride for the Nation, the State of Hawaii, and the community of Waipio: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Waipio Little League baseball team on being 2008 Little League World Champions;

(2) commends the team's families, coaches, and community for their support and dedication to enabling the success of the team on and off the field; and

(3) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City and County of Honolulu and to each player, manager, and coach of the Waipio Little League baseball team for appropriate display.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 1436, a resolution to congratulate the Waipio Little League Team from the State of Hawaii for winning the 2008 Little League World Series.

On August 24, 2008, the Waipio Little League baseball team won the Little League World Championship. Waipio defeated the Matamoros Little League team of Tamaulipas, Mexico, 12–3. This is the most runs scored by one team in a World Series title game since 1998. Waipio's victory by nine runs is also the largest winning margin by a US team over an international opponent in the title game,

To get to the Little League World Series, Wapio went undefeated through the season. They went 3–0 in pool play, defeating teams from Connecticut, Florida and South Dakota. On August 20, 2008, Waipio won the United States Semifinal by defeating Mill Creek Little League, from Mill Creek, Washington. Then on August 23, 2008, they won the United States Championship by defeating South Lake Charles Little League, of Lake Charles, Louisiana. During this game, the team was down 5–1, but persevered and came back in the sixth and final inning by scoring six runs, to win the game 7–5.

I would like to congratulate each member of the team and recognize their spirit and determination that got them so far: Iolana Akau, Jedd Andrade, Christian Donahue, Caleb

Duhay, Ulumano Farm, Kainoa Fong, Trevor Ling, Keelen Obedoza, Khade Paris, Tanner Tokunaga, Jordan Ulep, Pikai Winchester, Matthew Yap, Manager Timo Donahue, Coach Kiha Akau, and Coach Gregg Tsukawa.

Just as important, this resolution commends the team's families, coaches, and community for their support and dedication to enabling the success of the team on and off the field. Without this support, the team could not have traveled such a tremendously triumphant road.

I would like to thank Chairman HENRY WAXMAN and Ranking Member TOM DAVIS for the Committee on Oversight and Government Reform's support in advancing this resolution. I would also like to thank Representative MAZIE HIRONO, Representative ENI FALEOMAVAEGA and Representative MADELEINE BORDALLO for their unflagging support and also that of Representative JOHN PETERSON, whose district hosts the Little League World Series.

I ask my colleagues to join me in honoring the Waipio Little League Baseball team and their accomplishments and ask for your support of H. Res. 1436.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GORDON N. CHAN POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6558) to designate the facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, as the ''Gordon N. Chan Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6558

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

SECTION 1. GORDON N. CHAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, shall be known and designated as the ''Gordon N. Chan Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Gordon N. Chan Post Office Building''.

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.

CWO RICHARD R. LEE POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6834) to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the ''CWO Richard R. Lee Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6834

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

SECTION 1. CWO RICHARD R. LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, shall be known and designated as the ''CWO Richard R. Lee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CWO Richard R. Lee Post Office Building''.

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.

DR. WALTER CARL GORDON, JR. POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6859) to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the ''Dr. Walter Carl Gordon, Jr. Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6859

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

SECTION 1. DR. WALTER CARL GORDON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, shall be known and designated as the ''Dr. Walter Carl Gordon, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Walter Carl Gordon, Jr. Post Office Building''.

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.

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1392) supporting the goals and ideals of ''National Life Insurance Awareness Month,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1392

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2008 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REVEREND EARL ABEL POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 3082) to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3082

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

SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the ''Reverend Earl Abel Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Reverend Earl Abel Post Office Building''.

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

HONORING THE MEMORY OF ROBERT MONDAVI

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of Senate Concurrent Resolution 84 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or ''Judgment of Paris'', wine competition;

Whereas in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONGRATULATING NBA CHAMPION BOSTON CELTICS

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 376) congratulating the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 376

Whereas the Boston Celtics are one of the most successful and respected franchises in the history of professional sports;

Whereas prior to the 2007–2008 season, the Celtics had won 16 National Basketball Association (NBA) championships, more than any other team in NBA history, with a cast of players that, over the years, has included Hall of Famers such as Bill Russell, Bob Cousy, Tommy Heinsohn, John Havlicek, Dave Cowens, JoJo White, and other Celtic stars, whose accomplishments were captured from ''high above courtside'' by legendary Celtics sportscaster Johnny Most;

Whereas the Celtics' unmatched record of achievement on the basketball court has been further enhanced by the team's creation of an organizational culture, known as ''Celtic Pride'', based on the values of teamwork, tenacity, and loyalty, which was developed and encouraged by the legendary, late Celtics' head coach and team executive, Arnold ''Red'' Auerbach;

Whereas the Celtics' performance last season, in which the team finished with a record of 24–58, losing 18 games in a row at one point during the season, was a stark departure from the team's historically high caliber of play;

Whereas in the off-season, the Celtics' Executive Director of Basketball Operations Danny Ainge, with the support of the team's owners, responded quickly and aggressively to the disappointing season and acquired 2 NBA all-stars, power forward Kevin Garnett and guard Ray Allen;

Whereas Garnett and Allen joined Celtics' all-star forward Paul Pierce and formed a ''Big Three'' of outstanding players reminiscent of the ''Big Three'' of past Celtic greats Larry Bird, Kevin McHale, and Robert Parish, who led the Celtics to NBA championships in the 1980s;

Whereas the combination of Garnett, Allen, and Pierce immediately sparked the most dramatic turnaround in NBA history, as the Celtics started the 2007–2008 season with an 8–0 record and kept the momentum throughout the season, achieving records of 20–2 and 40–9;

Whereas the Celtics finished the regular season with a league-best record of 66–16;

Whereas the Celtics entered the NBA playoffs with home court advantage as a result of the team's regular season performance and defeated the Atlanta Hawks in the Eastern Conference quarterfinals in 7 games;

Whereas the Celtics then faced the Cleveland Cavaliers in the Eastern Conference semifinals, winning in 7 games, with team captain Paul Pierce scoring 41 points in a 97–92 victory in the deciding game;

Whereas the Celtics squared off against the Detroit Pistons in the Eastern Conference finals, clinching the series in 6 games, thanks to the outstanding plays of Paul Pierce, James Posey, Ray Allen, and Rajon Rondo;

Whereas the Celtics matchup with the Los Angeles Lakers in the NBA finals represented a battle of league titans, as the Celtics–Lakers rivalry spans decades, and either the Celtics or the Lakers have won half of the NBA's 62 championships;

Whereas the Celtics won the first 2 games of the finals in Boston, including a hard-fought Game 2 during which Leon Powe, the Celtics' second-year power forward, scored 21 points in 15 minutes off the bench, propelling the Celtics to a 108–102 victory;

Whereas although the Celtics lost Game 3 in Los Angeles by a score of 87–81, the team overcame a 20-point deficit in the third quarter of Game 4 to record one of the greatest comebacks in NBA finals history, powered by active team defense and a tremendous performance by Celtics' guard Ray Allen, who played all 48 minutes of the game on the way to a 97–91 Celtics victory;

Whereas although the Celtics were unable to defeat the Lakers in Game 5 despite a rally that fell just short, the Celtics responded by clinching a record 17th NBA championship in Game 6 on June 17, 2008, winning on the team's home court in Boston on the storied parquet floor now graced with Red Auerbach's signature by a score of 131–92, a 39-point margin that is the largest gap ever for an NBA finals closeout game;

Whereas the Celtics' revival from a last place finish in the Eastern Conference's Atlantic Division last season to a record 17th NBA Championship this season is the greatest single-season turnaround in NBA history;

Whereas in addition to the contributions of superstars Garnett, Allen, and Pierce, the

strong, sustained efforts of the entire Celtics team, including Kendrick Perkins and a bench of tenacious and talented players such as Eddie House, James Posey, P.J. Brown, Sam Cassell, Tony Allen, Glen Davis, and Brian Scalabrine enabled the Celtics to return to the glory that has marked much of the franchise's history;

Whereas Celtics owners Wyc Grousbeck, Steve Pagliuca, H. Irving Grousbeck, and Bob Epstein, along with Executive Director of Basketball Operations Danny Ainge, Head Coach Doc Rivers, and the entire Celtics roster and coaching staff have earned a special place in Boston sports history; and

Whereas the Celtics have joined with the Boston Red Sox and New England Patriots to transform Boston from ''Beantown'' to ''Titletown'', as the 3 teams have won a combined 6 championships in 6 years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the 2007–2008 National Basketball Association (NBA) World Champions, the Boston Celtics, are to be congratulated for an outstanding and historic season;

(2) the Celtics, in winning a record 17th NBA World Championship, capped a remarkable, unprecedented single-season turnaround that captivated basketball fans across America and around the world; and

(3) the hustle, team defense, and overall unselfish play of the 2007–2008 Celtics are emblematic of the ''Celtic Pride'' tradition that has been a hallmark of the franchise for more than half a century, and serves as a model for coaches and players everywhere.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL ESTATE PLANNING AWARENESS WEEK

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1499) designating the third week of October as ''National Estate Planning Awareness Week,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1499

Whereas it is estimated that over 120,000,000 Americans do not have up-to-date estate plans to protect themselves or their families in the event of sickness, accidents, or untimely death;

Whereas a 2004 Roper poll commissioned by the American Institute for Certified Public Accountants found that two-thirds of Americans over age 65 believe they lack the knowledge necessary to adequately plan for retirement, and nearly one half of all Americans are unfamiliar with basic retirement tools, such as a 401(k) plan;

Whereas careful estate planning can greatly assist Americans in preserving assets built over a lifetime for the benefit of family, heirs, or charities;

Whereas estate planning involves many considerations, including safekeeping of important documents, documentation of assets, operation of law in the various States, preparation of legal instruments, insurance, availability of trust arrangements, charitable giving, inter vivos care of the benefactor, and other important factors;

Whereas estate planning encourages timely decisions about the method of holding title to certain assets, the designation of beneficiaries, and the possible transfer of assets during the life of the benefactor;

Whereas many Americans are unaware that lack of estate planning and ''financial illiteracy'' may cause their assets to be disposed of to unintended parties by default through the complex process of probate;

Whereas alternatives to disposition of assets after death, such as planned gift-giving, may accomplish a benefactor's goal of providing for his or her family and favorite charities;

Whereas careful planning can prevent family members or other beneficiaries from being subjected to complex legal and administrative processes requiring significant expenditure of time, and greatly reduce confusion or even animosity among family members or other heirs upon the death of a loved one;

Whereas important considerations as to donation of organs and use of life support functions may be made through the estate planning process;

Whereas the implementation of an estate plan starts with sound education and planning, and then may require the proper drafting and execution of appropriate legal documents, including wills, trusts, and durable powers of attorney for health care;

Whereas the third week of October should be designated as ''National Estate Planning Awareness Week''; and

Whereas the National Association of Estate Planners and Councils, representing over 28,000 estate planning professionals, together with the Universal Press Syndicate, the largest independent newspaper syndicate in the world, are prepared to provide such educational information to the public in a focused manner during National Estate Planning Awareness Week: Now, therefore be it

Resolved, That the House of Representatives—

(1) encourages the distribution of estate planning information by professionals to all Americans; and

(2) supports the designation of a ''National Estate Planning Awareness Week''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HARRY LEE POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5932) to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5932

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

SECTION 1. HARRY LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, shall be known and designated as the ''Harry Lee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Harry Lee Post Office Building''.

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.

75TH ANNIVERSARY OF THE NEW DEAL

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 360) recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 360

Whereas this year marks the 75th anniversary of the ''First Hundred Days'', from March 4, 1933, to June 16, 1933, which was an unprecedented period of legislative action that engendered the programs that constituted the New Deal;

Whereas the New Deal was a set of programs and policies with the purpose of promoting economic recovery, as well as social and financial reform, during a time of severe economic and social distress due to conditions created by the Great Depression;

Whereas the New Deal established Federal programs to address these issues, including the Civilian Conservation Corps, Works Progress Administration, Public Works Administration, Farm Securities Administration, National Youth Administration, Home Owners Loan Corporation, Tennessee Valley Authority, and the Rural Electric Administration;

Whereas these programs left behind a massive public works and architectural legacy;

Whereas the United States continues to benefit from infrastructure projects built as a result of the New Deal, including numerous schools, hospitals, courthouses, libraries, city halls, fire houses, housing, public health facilities, roads, bridges, airports, sewer and water systems, flood control projects, dams, trails, parks, playgrounds, and zoos;

Whereas these infrastructure projects employed millions of individuals who planted more than 3,000,000,000 trees and constructed or repaired 650,000 miles of public roads, 125,000 public buildings, 75,000 bridges, 8,000 parks, 800 airports, and a number of sewage disposal plants;

Whereas the income from the millions of jobs created by the New Deal lifted many people out of poverty and provided stability to every sector of the American economy;

Whereas these programs built renowned structures and facilities, including the Rincon Annex Post Office and Alameda County Courthouse in California; the Timberline Lodge in Mt. Hood, Oregon; the Grand Coulee Dam in Washington; the Fort Peck Dam in Montana; the Norris Dam in Tennessee; Greenbelt towns in Maryland, Ohio, and Wisconsin; Red Rocks Ampitheatre in Colorado; Skyline Drive in the Blue Ridge Mountains of Virginia; and airports in New York City, Chicago, and the District of Columbia;

Whereas the Federal programs of the New Deal included projects for art, forest and soil conservation, distribution of food and clothing, education, historical surveys, library and book repair, music, recreation, writing, theater, disaster assistance, and medical, dental, and nursing programs;

Whereas the many cultural programs of the New Deal catalogued and supported the development of distinctive American art and oral histories, and further established the arts as a central and beneficial element of American society;

Whereas the New Deal created important institutions, including Social Security, the Federal Deposit Insurance Corporation, the Securities Exchange Commission, and the National Labor Relations Board;

Whereas the New Deal illustrates the ability of the Federal Government to act as a positive and instrumental force for change in addressing social and economic crises for the benefit of all people in the United States;

Whereas the current economic crisis, growing income inequality, and the degradation of infrastructure and the environment elicit the need for programs similar to the New Deal, both in spirit and substance; and

Whereas June 15, 2008, through June 21, 2008, would be an appropriate week for the observance of National New Deal Week to promote recognition and appreciation for the New Deal and its legacy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs;

(2) acknowledges the inventiveness, resourcefulness, and creativity of the administrators and workers of the many New Deal programs; and

(3) encourages the people of the United States to observe National New Deal week.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MALARIA AWARENESS DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 389) supporting the goals and ideals of Malaria Awareness Day, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 389

Whereas, despite malaria being completely preventable and treatable and the fact that malaria was eradicated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas more than one million people die from malaria each year, the vast majority of whom are children under the age of five in Africa;

Whereas 350 million to 500 million cases of malaria occur annually;

Whereas every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day;

Whereas 90 percent of deaths from malaria occur in Africa;

Whereas pregnant women living with malaria and their children are particularly vulnerable: malaria is a major cause of complications during delivery, anemia, and low birth weights;

Whereas malaria costs African countries an estimated $12 billion in lost economic productivity each year;

Whereas heightened efforts to prevent and treat malaria are currently saving lives;

Whereas funding for the control of malaria has increased tenfold since 2000 in large part due to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas in just 18 months, the President's Malaria Initiative has purchased over one million artemisinin-based combination therapies (ACT), protected over three million people through spraying campaigns, and distributed over one million insecticide-treated bed nets; the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 18 million bed nets to protect families from malaria and provided 5.3 million malaria patients with ACTs; and the World Bank's Booster Program is scheduled to commit approximately $500 million in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development;

Whereas, according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas insecticide-treated bed nets have been shown to reduce all-cause mortality by about 20 percent in community-wide trials in several African settings;

Whereas in Africa, where 90 percent of malaria deaths occur, many of those suffering most from malaria—the rural poor—cannot afford even the modest cost ($5) of an insecticide-treated bed net;

Whereas a malaria-free future will rely on a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries; and

Whereas April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Malaria Awareness Day; and

(2) calls upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JUDIE HAMMERSTAD POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6489) to designate the facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, as the ''Judie Hammerstad Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6489

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

SECTION 1. JUDIE HAMMERSTAD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, shall be known and designated as the ''Judie Hammerstad Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Judie Hammerstad Post Office Building''.

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.

HELEN BERG POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6585) to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the ''Helen Berg Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6585

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

SECTION 1. HELEN BERG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 311

Southwest 2nd Street in Corvallis, Oregon, shall be known and designated as the ''Helen Berg Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Helen Berg Post Office Building''.

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.

100TH ANNIVERSARY OF THE CHRISTIAN SCIENCE MONITOR

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1494) recognizing the 100th anniversary of The Christian Science Monitor newspaper, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1494

Whereas on November 25, 1908, the 1st edition of The Christian Science Monitor was printed in Boston's Back Bay;

Whereas just over 100 days before The Monitor's 1st edition, its founder, Mary Baker Eddy, then 87 years old, told officers of her church to ''start a daily newspaper at once'';

Whereas Mrs. Eddy wanted The Monitor to blaze a path of unselfish service through journalism;

Whereas Mrs. Eddy, who had been the subject of inaccurate stories in the press, set as The Monitor's mission ''to injure no man, but to bless all mankind'';

Whereas The Monitor followed the first editor's request that the paper ''cover the daily activities of the entire world'' and ''appeal to good men and women everywhere who are interested in the betterment of all human conditions'';

Whereas The Monitor's focus was never local or denominational;

Whereas The Monitor is distributed to readers in all 50 States in print and online and has received worldwide respect for its international news coverage;

Whereas Mrs. Eddy became the first American woman to launch a lasting, general interest newspaper;

Whereas The Monitor has been honored with numerous major awards including seven Pulitzer Prizes for excellence in journalism; and

Whereas since 1966 The Monitor has sponsored 3,600 Washington newsmaker breakfasts, whose guests have included countless cabinet officers and congressional leaders, four presidents, and five vice presidents: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of The Christian Science Monitor.

Mr. SMITH of Texas. Mr. Speaker, this resolution recognizes the 100th anniversary of The Christian Science Monitor newspaper on November 25, 2008.

Thanks go to Congressman MIKE CAPUANO (MA), who agreed to be an original cosponsor of this bipartisan resolution and whose district includes the Boston headquarters of The Christian Science Monitor. Rep. Capuano's public service is appreciated by all those who know him.

I also want to thank Ranking Member TOM DAVIS (VA) of the Government Reform Committee, who was an active supporter of this resolution. His energy and knowledge will be missed, since he is retiring at the end of this session.

Congressman HENRY WAXMAN (CA), Chairman of the Oversight and Government Reform Committee, offered his essential endorsement of this resolution. Without his assistance, this resolution wouldn't be on the floor today.

I happen to have a personal interest in commemorating the 100th anniversary of The Christian Science Monitor because I worked at the paper in Boston for two years shortly after graduating from college.

Starting out as a copyboy, I then became a clerk and eventually a staff writer for the Business and Financial page.

So I was able to witness the high standards of journalistic integrity maintained at The Christian Science Monitor, which has rightfully gained a reputation for fair and objective news reporting. The Monitor has earned that reputation because of its dedicated and committed editors, reporters and staff.

This resolution highlights some of the ways in which The Monitor serves as an exceptional newspaper.

Established by Mary Baker Eddy 100 years ago, The Monitor remains the oldest surviving paper in the U.S. founded by a woman.

Its mission was and continues to be ''to injure no man, but to bless all mankind.''

And the Monitor has won worldwide respect for its international news coverage and been awarded seven Pulitzer Prizes for excellence in journalism.

I hope my colleagues will join me in recognizing the 100th anniversary of The Christian Science Monitor.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of this resolution recognizing the 100th anniversary of the Christian Science Monitor.

One of the great American contributions to culture has been the creation and growth of an independent and professional journalistic tradition.

And within that tradition the Christian Science Monitor has stood as a distinctive marker for excellence and service for one hundred years.

In 1908 Mary Baker Eddy, who herself had been subjected to inaccurate press stories, instructed the officers of the Church of Christ, Scientist to start a newspaper.

She could have made it clear that the paper was to provide the church's perspective on the news of the day, but instead she directed that the Monitor's mission would be ''to injure no man, but to bless mankind.''

This one instruction to serve the entire nation by unselfishly delivering the news, without vitriol or agenda, was a stroke of genius. Within a few years the Christian Science Monitor became a trusted arbiter of facts and events around the country.

Not being content with merely publishing a newspaper, the Christian Science Monitor has sponsored 3,600 Washington newsmaker breakfasts—becoming an institution in this city—where countless leaders have made their cases and faced honest questions. In sponsoring these breakfasts the Monitor has provided the government and this city an invaluable service.

Throughout its history the Christian Science Monitor has worked hard to make sure that it appeals ''to good men and women everywhere who are interested in the betterment of all human conditions.''

For 100 years the Monitor has achieved this goal and there is little doubt that we need an institution like the Christian Science Monitor in this modern time more than ever before.

I urge my colleagues to join me in support of this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STAFF SERGEANT NICHOLAS RAY CARNES POST OFFICE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6902) to designate the facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, as the ''Staff Sergeant Nicholas Ray Carnes Post Office,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6902

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

SECTION 1. STAFF SERGEANT NICHOLAS RAY CARNES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, shall be known and designated as the ''Staff Sergeant Nicholas Ray Carnes Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Staff Sergeant Nicholas Ray Carnes Post Office''.

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.

DR. BERNARD DALY POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 3015) to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3015

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

SECTION 1. DR. BERNARD DALY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 18 S. G Street in Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Bernard Daly Post Office Building''.

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

NATIONAL RUNAWAY PREVENTION MONTH

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1375) recognizing and supporting the goals and ideals of National Runaway Prevention Month, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1375

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas running away from home is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of National Runaway Prevention Month.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1545

PICKWICK POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6197) to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the ''Pickwick Post Office Building'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6197

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

SECTION 1. PICKWICK POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, shall be known and designated as the ''Pickwick Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Pickwick Post Office Building''.

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.

RECOGNIZING THE IMPORTANCE OF THE UNITED STATES WINE INDUSTRY TO THE AMERICAN ECONOMY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Concurrent Resolution 429 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 429

Whereas the United States is one of the largest wine producing countries in the world, with the United States wine, grape, and grape products industry representing more than 1 percent of the $13,800,000,000 American economy in 2007;

Whereas the wine and winegrape industry of Texas has an economic impact of $1,000,000,000 on the economy of Texas;

Whereas since 2000, the wine and winegrape industry of Texas has experienced tremendous growth, with nearly 90 percent of that growth resulting from an increase in the number and revenue of small wineries producing less than 5,000 gallons of wine each year; and

Whereas in 2005, the wine and winegrape industry of Texas—

(1) included 113 wineries and 220 commercial growers of winegrapes on 2,900 acres;

(2) produced over 626,000 cases of wine;

(3) provided the equivalent of 8,000 full-time jobs and paid over $234,000,000 in wages to workers;

(4) generated revenue from wineries that produced an economic impact of $91,500,000 on the economy of Texas;

(5) generated over $10,000,000 in revenue from vineyards in Texas;

(6) attracted over 868,000 tourists to Texas, who spent over $220,000,000; and

(7) generated over $69,000,000 in Federal, State, and local taxes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of the United States wine, winegrape, and grape products industry to the American economy; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Commissioner of the Texas Department of Agriculture and the Texas Wine and Grape Growers Association in Grapevine, Texas.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR DESIGNATION OF SEPTEMBER 6, 2008, AS LOUISA SWAIN DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Concurrent Resolution 378 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 378

Whereas the Wyoming Territorial Legislature passed, and Governor John A. Campbell signed into law on December 10, 1869, a measure stating, ''That every woman of the age of twenty-one years, residing in this territory, may, at every election, to be holden under the law thereof, cast her vote.'';

Whereas this Suffrage Act granted women in the Wyoming Territory the right to vote with full civil and judicial equality to men;

Whereas Louisa Swain, on September 6, 1870, became the Nation's first woman voter

under laws guaranteeing absolute political equality to women;

Whereas she cast that vote as a 70 year-old woman in the town of Laramie's municipal election;

Whereas, the Laramie Daily Sentinel wrote, ''It is comforting to note that our first woman voter was really a lady . . . of the highest social standing in the community, universally beloved and respected. The scene was in the highest degree interesting and impressive. There was too much good sense in our community for any jeers or sneers to be seen on such an occasion'';

Whereas this vote was inspirational to the women's suffrage movement and to the cause of civil rights;

Whereas, Wyoming's statehood, in 1890, brought the codification of this suffrage right through the ratification of the new Wyoming State constitution under Article 6, section 1;

Whereas, when the Congress threatened to withhold statehood from Wyoming, territory legislators replied with a telegram stating that Wyoming would remain out of the Union 100 years rather than join without women's suffrage;

Whereas President Benjamin Harrison, on July 10, 1890, signed into law a bill admitting Wyoming into the Union, and recognizing it as the Nation's ''Equality State'';

Whereas these actions instigated a path to the passage of the 19th Amendment to the United States Constitution 50 years after Louisa Swain's historical first vote; and

Whereas September 6, 2008, would be an appropriate date to designate as Louisa Swain Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the designation of a Louisa Swain Day.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS IRVING JOSEPH SCHWARTZ POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6837) to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Private First Class Irving Joseph Schwartz Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6837

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

SECTION 1. PRIVATE FIRST CLASS IRVING JOSEPH SCHWARTZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, shall be known and designated as the ''Private First Class Irving Joseph Schwartz Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Private First Class Irving Joseph Schwartz Post Office Building''.

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.

RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 245 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 245

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States;

Whereas there are nearly 2,000,000 Hindus in the United States, of which approximately 1,250,000 are of Indian and South Asian origin;

Whereas the word ''Diwali'' is a shortened version of the Sanskrit term ''Deepavali'', which means ''a row of lamps'';

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali, falling on the last day of the last month in the lunar calendar, is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Mahavira, the last of the Tirthankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) requests the President to issue a proclamation recognizing Diwali.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE SECRETARY OF COMMERCE SHOULD USE ALL REASONABLE MEASURES TO ENSURE THAT EVERY PERSON IS COUNTED IN THE 2010 DECENNIAL CENSUS

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1262 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1262

Whereas the decennial census is described in article I, section 2 of the Constitution, which calls for an actual enumeration of the people every 10 years;

Whereas the decennial census is used to apportion seats in the House of Representatives among the States;

Whereas the decennial census is crucial to Federal policymakers who distribute billions of taxpayer dollars among many Federal programs based on the results of those enumerations;

Whereas the first official census was conducted in 1790 under the leadership of Thomas Jefferson, who was then the Secretary of State;

Whereas the 2010 decennial census will be the 23rd decennial census;

Whereas an accurate census is one that counts, as of the decennial census date, all persons living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad; and

Whereas an accurate 2010 decennial census is crucial for our democracy and the equitable distribution of Federal funds: Now, therefore, be it

Resolved, That—

(1) the House of Representatives demands that the 2010 decennial census count every person living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad; and

(2) it is the sense of the House of Representatives that, in conducting the 2010 decennial census, the Secretary of Commerce should use all reasonable means to count every person living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING ARMED FORCES DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1122 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1122

Whereas Armed Forces Day was created in 1949 as a result of the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor those serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 17, 2008;

Whereas United States soldiers, sailors, airmen, and Marines have given tremendous service to the Nation;

Whereas the House of Representatives is committed to supporting all members of the Armed Forces and their families; and

Whereas all Americans express recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives recognizes Armed Forces Day in appreciation of the members of the Army, Navy, Marine Corps, Air Force, and Coast Guard.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

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

There was no objection.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2008

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Availability of records.
Sec. 206. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS

Sec. 801. Limitation on use for Cherokee Nation.
Sec. 802. Limitation on use of funds.
Sec. 803. GAO study of effectiveness of NAHASDA for tribes of different sizes.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

''(i) is owned by an Indian tribe or a tribally designated housing entity;

''(ii) is necessary to the provision of housing in an Indian area; and

''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

''(II) would make housing more affordable, accessible, or practicable in an Indian area; or

''(III) would otherwise advance the purposes of this Act.

''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''For each'' and inserting the following:

''(1) IN GENERAL.—For each'';

(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—

''(A) to carry out affordable housing activities under subtitle A of title II; and''; and

(iii) by adding at the end the following:

''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and

(C) in the second sentence, by striking ''Under'' and inserting the following:

''(2) PROVISION OF AMOUNTS.—Under'';

(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and

(3) by adding at the end the following:

''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:

''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and

(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';

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

''(b) 1-YEAR PLAN REQUIREMENT.—

''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

''(A) be in such form as the Secretary may prescribe; and

''(B) contain the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

''(i) the types of household to receive assistance;

''(ii) the types and levels of assistance to be provided;

''(iii) the number of units planned to be produced;

''(iv)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for the demolition or disposition; and

''(III) any other information required by the Secretary with respect to the demolition or disposition;

''(v) a description of the manner in which the recipient will protect and maintain the viability

of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

''(vi) outcomes anticipated to be achieved by the recipient.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

''(vi) a certification that the recipient will comply with section 104(b).'';

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and

(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act, the Secretary''; and

(2) by adding at the end the following:

''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act; and

''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act.

''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under the demonstration program under title VI,'' after ''paragraphs (2) and (4),'';

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(B) LIMITS.—The Secretary'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and

(B) by striking ''non-Indian family'' and inserting ''family''; and

(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';

(2) in paragraph (2)—

(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and

(B) by inserting ''mold remediation,'' after ''energy efficiency,'';

(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and

(4) by adding at the end the following:

''(9) RESERVE ACCOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.

SEC. 205. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.

SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

''Subtitle A—General Block Grant Program'';

and

(2) by adding at the end the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''SEC. 231. PURPOSE.

''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

''SEC. 232. PROGRAM AUTHORITY.

''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

''(1) to or on behalf of which a grant is made under section 101;

''(2) that has complied with the requirements of section 102(b)(6); and

''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

''(2) $2,000,000.

''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).

''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

''(1) the program under this subtitle; or

''(2) amounts made available in accordance with this subtitle.

''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

''(1) Section 101(c) (relating to local cooperation agreements).

''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

''(3) Section 101(j) (relating to Federal supply sources).

''(4) Section 101(k) (relating to tribal preference in employment and contracting).

''(5) Section 102(b)(4) (relating to certification of compliance).

''(6) Section 104 (relating to treatment of program income and labor standards).

''(7) Section 105 (relating to environmental review).

''(8) Section 201(b) (relating to eligible families).

''(9) Section 203(c) (relating to insurance coverage).

''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

''(11) Section 206 (relating to treatment of funds).

''(12) Section 209 (relating to noncompliance with affordable housing requirement).

''(13) Section 401 (relating to remedies for noncompliance).

''(14) Section 408 (relating to public availability of information).

''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

''SEC. 235. REVIEW AND REPORT.

''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

''(1) the housing constructed, acquired, or rehabilitated under the program;

''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

''(2) recommendations for—

''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

''(ii) the period for which such a prohibition should remain in effect; or

''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

''Subtitle A—General Block Grant Program'';

(2) by inserting after the item for section 205 the following:

''Sec. 206. Treatment of funds.'';

and

(3) by inserting before the item for title III the following:

''Subtitle B—Self-Determined Housing Activities for Tribal Communities

''Sec. 231. Purposes.
''Sec. 232. Program authority.
''Sec. 233. Use of amounts for housing activities.
''Sec. 234. Inapplicability of other provisions.
''Sec. 235. Review and report.''.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STUDY OF NEED DATA.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

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

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

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

''SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

''SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2009 through 2013.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section $1,000,000 for each of fiscal years 2009 through 2013.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2009 through 2013''.

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2009 through 2013''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2009 through 2013''.

TITLE VIII—MISCELLANEOUS

SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

SEC. 802. LIMITATION ON USE OF FUNDS.

No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3)) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 803. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR TRIBES OF DIFFERENT SIZES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996 in achieving its purposes of meeting the needs for affordable housing for low-income Indian families, as compared to the programs for housing and community development assistance for Indian tribes and families and Indian housing authorities that were terminated under title V of such Act and the amendments made by such title. The study shall compare such effectiveness with respect to Indian tribes of various sizes and types, and specifically with respect to smaller tribes for which grants of lesser or minimum amounts have been made under title I of such Act.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the results and conclusions of the study conducted pursuant to subsection (a). Such report shall include recommendations regarding any changes appropriate to the Native American Housing Assistance and Self-Determination Act of 1996 to help ensure that the purposes of such Act are achieved by all Indian tribes, regardless of size or type.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself as much time as I may consume.

This legislation creates a new housing program that will allow tribes to use funding in innovative ways. It directs the Secretary of HUD to seek out an organization with expertise in collection of housing data in identifying the housing needs in tribal areas. This bill gives more freedom to tribes to determine how housing moneys may be used while maintaining appropriate levels of oversight from HUD.

I want to thank Mr. KILDEE, Mr. WATT and their staffs in their efforts for crafting this legislation.

Mr. Speaker, I would like to yield to the gentleman from Michigan (Mr. KILDEE) as much time as he may consume.

Mr. KILDEE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of H.R. 2786 as amended by the Senate, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act called ''NAHASDA.'' I'm happy to be the chief sponsor of this very important legislation.

NAHASDA, enacted in 1996, was the first piece of comprehensive housing legislation directed solely to Native American and Alaska Native people. It has become the basic program aiding Native Americans in tribal areas with affordable housing development including home ownership, rehabilitation, infrastructure development and other affordable housing assistance. The success of NAHASDA is clear.

Since its enactment, thousands of housing units have been constructed or are in development. Despite this record, however, there is still a substantial unmet need for housing units, a need that continues to grow for one of the fastest growing population groups in the country.

More than 90,000 Indian families are homeless. Nearly 12 percent of families living on Indian reservations lack plumbing, and 14 percent lack electricity. Twelve percent of these families live without safe and reliable water supply.

This bill, which is based largely upon the recommendations made by the Native American Indian Housing Council, has bipartisan support. I want to thank my colleagues, Chairman BARNEY FRANK, Congresswoman MAXINE WATERS and Congressman MEL WATT, as well as my Republican colleagues for their support on this legislation. I also want to thank Senator DORGAN, Senator MURKOWSKI, Senator DODD, and Senator SHELBY for all their hard work on this legislation.

Its primary objective is to improve housing conditions in Indian country. Building upon the basic framework of NAHASDA, the bill will give tribes greater flexibility in meeting the housing needs of their tribal citizens. To that end, the bill creates a self-determination program which authorizes tribes to set aside a portion of their annual NAHASDA grant funding to better address their construction, acquisition, rehabilitation and infrastructure needs.

A year before the next NAHASDA authorization, in 2013, HUD would report to Congress the result of this new program. Among other revisions, this bill will make certain that tribes can compete for HOME Investment Partnerships Act funds, removes competitive procurement rules and procedures for purchases and goods under $5,000, makes Federal supply sources through the GSA more accessible to tribes, recognizes tribal preference laws in hiring and contracting, allows tribes to carry over NAHASDA funds to a subsequent grant year, and permits tribes to establish a reserve account of the tribe's annual NAHASDA grant.

Mr. Speaker, this reauthorization bill will build upon the success of NAHASDA by providing more housing development on our Nation's Indian reservations.

I would like to thank the staff, the Republican and Democratic staff members who have worked so hard on this; in the House, Kimberly Teehee, Dom McCoy, Cassandra Duhaney, Hilary West, Jeff Riley, Cindy Chetti, Tallman Johnson, Aaron Sporck and Jonathan Harwitz; over in the Senate, Allison Binney, Heidi Frechette, Jenn Fogel-Bublick, Mark Calabria, David Mullon and Jim Hall.

I urge my colleagues to support this bill.

Mrs. CAPITO. Mr. Speaker, I rise in support of H.R. 2786 which would reauthorize the Native American Housing Assistance and Self-Determination Act, NAHASDA.

This bill reflects a bipartisan effort led by Chairman FRANK and Representative WATERS. I would also like to thank Representative KILDEE and Representative STEVE PEARCE in their efforts to reauthorize NAHASDA which is administered by the Department of Housing and Urban Development. I'm confident that the legislation being considered today will go a long way to address the housing needs in Indian country.

This legislation being considered under suspension today is similar to H.R. 2786 which passed the House on

September 6 by a vote of 333 to 75. The major differences from the House bill passed include new compromise language on the Cherokee Freedman issue, removal of the reauthorization of the Native Hawaiian Housing program, and inclusion of the House-passed immigration language and House-passed GAO study.

Native Americans in this country are facing serious housing problems. Last year the Financial Services Committee held several hearings to investigate these problems, which are the result of widespread poverty, high unemployment, homelessness and lack of affordable housing on Native American land. The reauthorization of NAHASDA is an important step in addressing many of these issues.

Currently there are 562 federally recognized tribes in the United States representing approximately 2.5 million Native Americans. Of that 2.5 million, about 750,000 Native Americans live on reservations or in other tribal areas. According to Census data, the poverty rate for Native Americans is approximately 26 percent. Twenty-six percent is more than twice the average for all Americans. While 5.8 percent of the general population of the United States is unemployed, the current unemployment rate of the reservation workforce is 13.6 percent. In tribal areas, 14.7 percent of homes are overcrowded, compared to just 5.7 percent of homes in the general U.S. population. On Native American lands, 11.7 percent of residents lack complete plumbing facilities, and 6.9 percent lack, get this, telephone service. This, coupled with the price of a new home and the lack of existing housing, has created a dire situation on reservations in terms of availability and quality of housing units.

The legislation before us today would provide greater autonomy to Native Americans in using NAHASDA grant funds and would provide tribes more resources and flexibility to meet their affordable housing needs. This is good legislation that would help improve living conditions for Native Americans in this country.

I urge its passage.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to my colleague from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today in support of the Native American Housing and Self-Determination Act.

I would like to thank the gentlelady for yielding time to me on this important issue and give special thanks to Chairman FRANK, Representative KILDEE and Representative WATT in the Financial Services Committee for their hard work and dedication on this legislation.

Native American housing is an issue that is very important to me. It's very important to the State of Oklahoma. My congressional district is home to 17 of the 39 federally recognized tribes in Oklahoma and over 200,000 Native Americans.

In many places across Oklahoma, as well as the United States, the lack of quality affordable housing has reached crisis proportions in Native American communities.

Mr. Speaker, poor housing conditions are clear signs of poverty and economic distress. In fact, the poverty rate for Native Americans is nearly three times that of other Americans, which contributes to Native people living in some of the worst housing conditions in our Nation. These substandard housing conditions are worsened by overcrowding that is three times more prevalent throughout tribal areas.

The legislation currently before the House has significant provisions to assist in the restoration of older developments and the construction of new housing for the benefit of low-income Native Americans. It's my hope with these Federal dollars that we can begin to lift up and improve the housing problems on our tribal lands. I am also pleased that this legislation will give tribes the sovereign authority to make many of their own business decisions with this funding.

In closing, Mr. Speaker, I would also like to thank, again, my good friends, Congressmen MEL WATT, KILDEE and FRANK and all other parties who have worked closely with the issue regarding Freedmen membership and the Cherokee Nation. We can all agree that this has been a very contentious issue at times. However it has always been my belief that we in Congress should let the courts finish their work on this matter before interfering.

□ 1600

I am pleased that all involved could come together in this effort and move this important legislation forward in a bipartisan manner.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

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

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for yielding.

After a year of negotiations with the Senate, I am pleased to rise in support of H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act. I am pleased to be an original cosponsor of this bill, and appreciate the hard work of Representative KILDEE, Chairman FRANK, Chairwoman WATERS, our colleague on the Financial Services Committee, Mr. WATT, and Senators SHELBY, MURKOWSKI and DORGAN for their diligence and efforts in the other Chamber.

Over the last year, we have worked hard to come together and maintain Native American self-determination. I am pleased to have before us a piece of legislation that provides immediate solutions to Native American housing needs and includes important reforms to improve the authorization under NAHASDA.

I firmly believe the tribes are best equipped to understand the needs of their communities. They know where the worst housing and infrastructure and economic disparities lie. Over the past 12 years, NAHASDA has made tribal housing programs more flexible and given tribes the ability to rely far less on the Federal Government. My constituents who live on reservations and in pueblos tell me that this flexibility is working. H.R. 2786 will give tribes even more flexibility and autonomy to carry on their housing programs.

The legislation before us improves NAHASDA by streamlining oversight and allowing tribes to exercise greater discretion over a portion of their grant moneys for affordable housing activities.

Additionally, while this bill contains the practice of giving tribes more flexibility to develop housing and manage their housing programs, we need to continue to look ahead to address critical infrastructure and economic development needs.

I am pleased that this bill preserves my demonstration program which was included in the House-passed version last September. My program will make NAHASDA dollars go even farther. The demonstration program gives the tribes the same opportunities for economic development that States, cities and other units of local government across the United States already enjoy.

Currently, communities that receive direct funding from the Community Development Block Grant Program, the CDBG program, may borrow or issue bonded debt for up to five times their annual CDBG allocations. This is the section 108 loan guarantee program, and it encourages economic development, housing rehabilitation, public facilities and large-scale physical development projects.

Title VI of NAHASDA is similar to the section 108 statute and allows tribes to borrow or issue bonded debt up to five times their annual NAHASDA allocation for housing purposes. Unfortunately, the title VI program has been underutilized in part because the eligible projects are limited to low-income activities that do not generate sufficient income to pay back these loans. The demonstration program in H.R. 2786 fixes this by simply mirroring title VI activities to those activities allowed under the section 108 statute.

My economic and infrastructure development program also ensures that those who truly need economic support will get it first. I have done this by requiring applicants to show that 70 percent of the benefit of the proposed project will go to low income Indian families on Indian reservations and other tribal areas.

Our rural and severely impoverished areas greatly benefit from the loan guarantee program. These rural areas often lack basic infrastructure, and many times the only catalyst to encourage private companies to invest in

poorer communities comes only after a poor rural area has received one of these CDBG loans.

Harmonizing CDBG activities with title VI under NAHASDA will have a lasting impression on tribal economic development. Better yet, it will help employ and educate the lowest income individuals in the Indian community.

NAHASDA isn't about big government offering handouts to Indian Country. It is about handing up in order to maintain that special relationship the Federal Government shares with the tribes. It is about making sure Indian Country has the tools they need for a brighter future. It is about creating jobs and opportunities for Indian Country, and it is about ensuring and preserving the Native American way of life.

The NAHASDA reauthorization is critical to addressing Native American housing needs. Tribes need additional flexibility and autonomy to use Indian Housing Block Grant dollars efficiently and in a manner that makes the most sense for tribal members' specific housing projects.

Mr. Speaker, as you can see, the reauthorization of this program is critical to addressing Native American housing needs in New Mexico and across the United States. I would urge all of my colleagues to adopt and support this bill.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to say to Mr. KILDEE a great thank you. He has been certainly a fighter for our American Indians on the Education Committee, and I thank him for bringing forth this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2786.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 928, de novo;

H.R. 7081, by the yeas and nays;

H.R. 6707, by the yeas and nays.

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

INSPECTOR GENERAL REFORM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 928.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19, as follows:

[Roll No. 661]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
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)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blunt
Cubin
Doolittle
Emanuel
Frank (MA)
Hastings (WA)
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Rangel
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1637

Ms. FALLIN changed her vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7081, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7081.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 298, nays 117, answered ''present'' 1, not voting 17, as follows:

[Roll No. 662]

YEAS—298

Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Ortiz
Pallone
Pearce
Pence
Peterson (MN)
Petri
Platts
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Sutton
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watt
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—117

Abercrombie
Baird
Baldwin
Becerra
Berry
Blumenauer
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Burgess
Butterfield
Capps
Carson
Clarke
Cleaver
Clyburn
Conyers
Costello
Courtney
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards (MD)
Ellison
Everett
Farr
Fattah
Filner
Fortenberry
Grijalva
Hall (NY)
Hare
Harman
Hayes
Hinchey
Hinojosa
Hirono
Holt
Hooley
Hunter
Johnson (GA)
Jones (NC)
Kagen
Kennedy
Kildee
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (GA)
Loebsack
Markey
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Michaud
Miller, George
Mitchell
Moore (WI)
Nadler
Napolitano
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Perlmutter
Pitts
Poe
Pomeroy
Richardson
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schwartz
Serrano
Sestak
Shea-Porter
Shuler
Skelton
Slaughter
Smith (NJ)
Solis
Space
Speier
Spratt
Stark
Stupak
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Watson
Waxman
Welch (VT)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Foster

NOT VOTING—17

Aderholt
Buyer
Cubin
Doolittle
Franks (AZ)
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1644

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6707, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6707, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 175, not voting 15, as follows:

[Roll No. 663]

YEAS—243

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Childers
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George

Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Speier
Spratt
Stark
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—175

Aderholt
Akin
Alexander
Altmire
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emanuel
English (PA)
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Gutierrez
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Meek (FL)
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Stupak
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Watson
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—15

Blunt
Cubin
Doolittle
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1655

Messrs. KIRK, COSTELLO, and CHANDLER changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

SMALL BUSINESS FINANCING IMPROVEMENTS ACT OF 2008

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7175) to amend the Small Business Act to improve the section 7(a) lending program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7175

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Financing Improvements Act of 2008''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—7(A) LOAN PROGRAM

Sec. 101. Loan pooling.
Sec. 102. Alternative size standard.

TITLE II—504 CDC PROGRAM

Sec. 201. Definitions.
Sec. 202. Eligibility of development companies to be designated as certified development companies.
Sec. 203. Definition of rural areas.
Sec. 204. Businesses in low-income areas.
Sec. 205. Combinations of certain goals.
Sec. 206. Refinancing.
Sec. 207. Additional equity injections.
Sec. 208. Loan liquidations.
Sec. 209. Closing costs.
Sec. 210. Uniform leasing policy.

TITLE III—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 301. Simplified maximum leverage limits.
Sec. 302. Simplified aggregate investment limitations.

TITLE I—7(A) LOAN PROGRAM

SEC. 101. LOAN POOLING.

Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended—

(1) by inserting ''(A)'' before ''The Administration'';

(2) by striking the colon and all that follows and inserting a period; and

(3) by adding at the end the following:

''(B) A trust certificate issued under subparagraph (A) shall be based on, and backed by, a trust or pool approved by the Administrator and composed solely of the guaranteed portion of such loans.

''(C) The interest rate on a trust certificate issued under subparagraph (A) shall be either—

''(i) the lowest interest rate on any individual loan in the pool; or

''(ii) the weighted average interest rate of all loans in the pool, subject to such limited variations in loan characteristics as the Administrator determines appropriate to enhance marketability of the pool certificates.''.

SEC. 102. ALTERNATIVE SIZE STANDARD.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) OPTIONAL SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an optional size standard for business loan applicants under section 7(a) and development company loan applicants under title V of the Small Business Investment Act of 1958, which uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the optional size standards established under subparagraph (A) are in effect, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, or any successor thereto, may be used by business loan applicants under section 7(a) and development company loan applicants under title V of the Small Business Investment Act of 1958.''.

TITLE II—504 CDC PROGRAM

SEC. 201. DEFINITIONS.

Section 103(6) of the Small Business Investment Act of 1958 (15 U.S.C. 662(6)) is amended to read as follows:

''(6) the term 'development company' means an entity incorporated under State law with the authority to promote and assist the growth and development of small-business concerns in the areas in which it is authorized to operate by the Administration, and the term 'certified development company' means a development company which the Administration has determined meets the criteria of section 506;''.

SEC. 202. ELIGIBILITY OF DEVELOPMENT COMPANIES TO BE DESIGNATED AS CERTIFIED DEVELOPMENT COMPANIES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

''SEC. 506. CERTIFIED DEVELOPMENT COMPANIES.

''(a) AUTHORITY TO ISSUE DEBENTURES.—A development company may issue debentures pursuant to this Act if the Administration certifies that the company meets the following criteria:

''(1) SIZE.—The development company is required to be a small concern with fewer than 500 employees and not under the control of any entity which does not meet the Administration's size standards as a small business, except that any development company which was certified by the Administration prior to December 31, 2005 may continue to issue debentures.

''(2) PURPOSE.—The primary purpose of the development company is to benefit the community by fostering economic development to create and preserve jobs and stimulate private investment.

''(3) PRIMARY FUNCTION.—The primary function of the development company is to accomplish its purpose by providing long term financing to small businesses by the utilization of the Certified Development

Company Economic Development Loan Program. It may also provide or support such other local economic development activities to assist the community.

''(4) NON-PROFIT STATUS.—The development company is a non-profit corporation, except that a development company certified by the Administration prior to January 1, 1987, may retain its status as a for-profit corporation.

''(5) GOOD STANDING.—The development company is in good standing in its State of incorporation and in any other State in which it conducts business, and is in compliance with all laws, including taxation requirements, in its State of incorporation and in any other State in which it conducts business.

''(6) MEMBERSHIP.—The development company should have at least 25 members (or stockholders if the corporation is a for-profit entity), none of whom may own or control more than 20 percent of the company's voting membership, consisting of representation from each of the following groups (none of which are in a position to control the development company): —

''(A) Government organizations that are responsible for economic development.

''(B) Financial institutions that provide commercial long term fixed asset financing.

''(C) Community organizations that are dedicated to economic development.

''(D) Businesses.

''(7) BOARD OF DIRECTORS.—The development company has a board of directors that—

''(A) is elected from the membership by the members;

''(B) should represent at least 3 of the 4 groups enumerated in subsection (a)(6) with no group is in a position to control the company; and

''(C) meets on a regular basis to make policy decisions for such company.

''(8) PROFESSIONAL MANAGEMENT AND STAFF.—The development company has full-time professional management, including a chief executive officer to manage daily operations, and a full-time professional staff qualified to market the Certified Development Company Economic Development Loan Program and handle all aspects of loan approval and servicing, including liquidation, if appropriate. The development company is required to be independently managed and operated to pursue its economic development mission and to employ its chief executive officer directly, with the following exceptions:

''(A) A development company may be an affiliate of another local non-profit service corporation (specifically excluding another development company) whose mission is to support economic development in the area in which the development company operates. In such a case:

''(i) The development company may satisfy the requirement for full-time professional staff by contracting with a local non-profit service corporation (or one of its non-profit affiliates), or a governmental or quasi-governmental agency, to provide the required staffing.

''(ii) The development company and the local non-profit service corporation may have partially common boards of directors.

''(B) A development company in a rural area (as defined in section 501(f)) shall be deemed to have satisfied the requirements of a full-time professional staff and professional management ability if it contracts with another certified development company which has such staff and management ability and which is located in the same general area to provide such services.

''(C) A development company that has been certified by the Administration as of December 31, 2005, and that has contracted with a for-profit company to provide services as of such date may continue to do so.

''(b) AREA OF OPERATIONS.—The Administration shall specify the area in which an applicant is certified to provide assistance to small businesses under this title, which may not initially exceed its State of incorporation unless it proposes to operate in a local economic area which is required to include part of its State of incorporation and may include adjacent areas within several States. After a development company has demonstrated its ability to provide assistance in its area of operations, it may request the Administration to be allowed to operate in one or more additional States as a multi-state certified development company if it satisfies the following criteria:

''(1) Each additional State is contiguous to the State of incorporation, except the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific ocean.

''(2) It demonstrates its proficiency in making and servicing loans under the Certified Development Company Economic Development Loan Program by—

''(A) requesting and receiving designation as an accredited lender under section 507 or a premier certified lender under section 508; and

''(B) meeting or exceeding performance standards established by the Administration.

''(3) The development company adds to the membership of its State of incorporation additional membership from each additional State and the added membership meets the requirements of subsection (a)(6).

''(4) The development company adds at least one member to its board of directors in the State of incorporation, providing that added member was selected by the membership of the development company.

''(5) The company meets such other criteria or complies with such conditions as the Administration deems appropriate.

''(c) PROCESSING OF EXPANSION APPLICATIONS.—The Administration shall respond to the request of a certified development company for certification as a multi-state company on an expedited basis within 30 days of receipt of a completed application if the application demonstrates that the development company meets the requirements of subsection (b)(1) through (b)(4).

''(d) USE OF FUNDS LIMITED TO STATE WHERE GENERATED.—Any funds generated by a not-for-profit development company from making loans under the Certified Development Company Economic Development Loan Program which remain after payment of staff, operating and overhead expenses shall be retained by the development company as a reserve for future operations, for expanding its area of operations in a local economic area as authorized by the Administration, or for investment in other local economic development activity in the State from which the funds were generated.

''(e) ETHICAL REQUIREMENTS.—

''(1) IN GENERAL.—Certified development companies, their officers, employees and other staff, shall at all times act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. No one may serve as an officer, director or chief executive officer of more than one certified development company.

''(2) PROHIBITED CONFLICT IN PROJECT LOANS.—As part of a project under the Certified Development Company Economic Development Loan Program, no certified development company may recommend or approve a guarantee of a debenture by the Administration that is collateralized by a subordinated lien position on the property being constructed or acquired and also provide, or be affiliated with a corporation or other entity, for-profit or non-profit, which provides, financing collateralized by a prior lien on the same property. Upon approval by the Administrator, abusiness development company that was participating as a first mortgage lender, either directly or through an affiliate, for the Certified Development Company Economic Development Loan Program in either fiscal years 2004 or 2005 may continue to do so.

''(3) OTHER ECONOMIC DEVELOPMENT ACTIVITIES.—Operation of multiple programs to assist small business concerns in order for a certified development company to carry out its economic development mission shall not be deemed a conflict of interest, but notwithstanding any other provision of law, no development company may accept funding from any source, including but not limited to any department or agency of the United States Government—

''(A) if such funding includes any conditions, priorities or restrictions upon the types of small businesses to which they may provide financial assistance under this title; or

''(B) if it includes any conditions or imposes any requirements, directly or indirectly, upon any recipient of assistance under this title unless the department or agency also provides all of the financial assistance to be delivered by the development company to the small business and such conditions, priorities or restrictions are limited solely to the financial assistance so provided.''.

SEC. 203. DEFINITION OF RURAL AREAS.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following new subsection:

''(f) As used in subsection (d)(3)(D), the term 'rural' shall include any area other than—

''(1) a city or town that has a population greater than 50,000 inhabitants; and

''(2) the urbanized area contiguous and adjacent to such a city or town.''.

SEC. 204. BUSINESSES IN LOW-INCOME AREAS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended by inserting after ''business district revitalization'' the following: ''or expansion of businesses in low-income communities that would be eligible for new market tax credit investments under section 45D of the Internal Revenue Code of 1986 (26 U.S.C. 45D)''.

SEC. 205. COMBINATIONS OF CERTAIN GOALS.

Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended by adding at the end the following:

''(7) A small business concern that is unconditionally owned by more than one individual, or a corporation whose stock is owned by more than one individual, is deemed to achieve a public policy goal under subsection (d)(3) if a combined ownership share of at least 51 percent is held by individuals who are in one of the groups listed as public policy goals specified in subsection (d)(3)(C) or (d)(3)(E).''.

SEC. 206. REFINANCING.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—Any financing approved under this title may also include a limited amount of debt refinancing for debt that was not previously guaranteed by the Administration. If the project involves expansion of a small business which has existing indebtedness collateralized by fixed assets, a limited amount may be refinanced and added to the expansion cost, providing—

''(A) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon or to purchase equipment;

''(B) the borrower has been current on all payments due on the existing debt for at least the past year; and

''(C) the financing under the Certified Development Company Economic Development Loan Program will provide better terms or rate of interest than now exists on the debt.''.

SEC. 207. ADDITIONAL EQUITY INJECTIONS.

Clause (ii) of section 502(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)) is amended to read as follows:

''(ii) FUNDING FROM INSTITUTIONS.—

''(I) If a small business concern provides the minimum contribution required under paragraph (C), not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

''(II) If a small business concern provides more than the minimum contribution required under paragraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i) except that the amount from such institutions may not be reduced to an amount less than the amount of the loan made by the Administration.''.

SEC. 208. LOAN LIQUIDATIONS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PARTICIPATION.—

''(1) MANDATORY.—Any certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section or which the Administration determines to be ineligible for such authority shall contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. The contract shall be contingent upon approval by the Administration with respect to the qualifications of the contractor, the terms and conditions of liquidation activities, and the ability to reimburse such contractor.

''(2) COMMENCEMENT.—The provisions of this subsection shall not require any development company to liquidate defaulted loans until the Administration has adopted and implemented a program to compensate and reimburse development companies as provided under subsection (f).

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administration shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities if the expenses—

''(A) were approved in advance by the Administration either specifically or generally; or

''(B) were incurred by the company on an emergency basis without Administration prior approval but which were reasonable and appropriate.

''(2) COMPENSATION FOR RESULTS.—The Administration shall develop a schedule to compensate and provide an incentive to qualified State or local development companies which foreclose and liquidate defaulted loans. The schedule shall be based on a percentage of the net amount recovered but shall not exceed a maximum amount. The schedule shall not apply to any foreclosure which is conducted pursuant to a contract between a development company and a qualified third-party to perform the foreclosure and liquidation.''.

SEC. 209. CLOSING COSTS.

Paragraph (4) of section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended to read as follows:

''(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture plus, at the election of the borrower under the Certified Development Company Economic Development Loan Program, other amounts attributable to the administrative and closing costs of such loans, except for the borrower's attorney fees;''.

SEC. 210. UNIFORM LEASING POLICY.

(a) IN GENERAL.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended

(1) by striking paragraphs (4) and (5) and inserting the following:

''(4) LIMITATION ON LEASING.—If the use of a loan under this section includes the acquisition of a facility or the construction of a new facility, the small business concern assisted

''(A) shall permanently occupy and use not less than a total of 50 percent of the space in the facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in the facility.''; and

(2) by redesignating paragraph (6) as paragraph (5).

(b) POLICY FOR 7(A) LOANS.—Section 7(a)(28) of the Small Business Act (15 U.S.C. 636(a)(28)) is amended to read as follows:

''(28) LIMITATION ON LEASING.—If the use of a loan under this subsection includes the acquisition of a facility or the construction of a new facility, the small business concern assisted

''(A) shall permanently occupy and use not less than a total of 50 percent of the space in the facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in the facility.''.

TITLE III—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

SEC. 301. SIMPLIFIED MAXIMUM LEVERAGE LIMITS.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(i) 300 percent of such company's private capital; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.''; and

(2) by striking paragraph (4).

SEC. 302. SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

''(a) PERCENTAGE LIMITATION ON PRIVATE CAPITAL.—If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administration, exceed 10 percent of the sum of—

''(1) the private capital of such company; and

''(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administration at the time of the grant of the company's license.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

□ 1700

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I consume.

Mr. Speaker, I rise in support of this bill which would help entrepreneurs gain access to vital capital. Even before the recent troubles on Wall Street began, securing funding was an uphill battle for small businesses. Today, it is even more challenging than ever.

The effects of the current lending slump have been taxing. Liquidity challenges have caused lenders to cut lines of credit and recall loans to small firms. As these crucial sources of investment dry up, entrepreneurs have few places left to turn.

Venture capital investors, who have historically fueled the startup community, are becoming more and more cautious in doing so. At the same time, commercial banks have raised the bar for lending criteria on interest rates.

While the Small Business Administration has historically helped entrepreneurs during economic downturns, it is also failing to meet funding needs. In fact, the Small Business Administration lending is down 25 percent this year. Most small businesses rely on some form of loans or credit in order to meet their daily needs. Not surprisingly, the consequences of today's downturn in funding have had a crippling effect on their community.

The Small Business Financing Improvement Act of 2008 will help in small but important ways in part by enhancing the Small Business Administration lending programs. For example, it will improve the administration's 7(a) initiative, which is its most frequently used line of small business credit. It would also ease the flow of investments from venture capitalists. This will be particularly helpful as venture capital funding has a history of sparking innovation.

Furthermore, the bill I am proposing today will encourage lending from commercial banks. It will also do this by reducing the regulatory burden for financiers looking to fund small firms. In light of their current reluctance to make small business loans, this will be a tremendous incentive for banks to assist entrepreneurs.

This act will help thousands of small firms maintain and grow their companies. It will do this by allowing them to access the funds they need to go about their daily business and do everything from meet payroll to stock their shelves. Capital is the most basic and essential building block for small business ownership. After all, it is what allows entrepreneurs to start companies in the first place. For this reason, the bill has won full approval from the Small Business Administration.

I should also add that this provision has at one point or another been passed in the House.

Small businesses employ half of this Nation's workforce, and entire local economies depend on their success. The bill we're considering here today will be an important first step in ensuring that America's entrepreneurs can achieve their success. With this in mind, I urge my colleagues to support its passage.

I reserve the balance of my time.

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

Today I rise in support of H.R. 7175, the Small Business Lending Improvements Act of 2008. I especially would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this important bill to the House floor. Once again, she has done so. She has been working in such a manner for the last 2 years. I commend her for that.

All of us are aware of the recent turmoil in the financial markets. These problems also directly impact America's small businesses. Availability of credit is reduced thereby dampening the capacity of small businesses to create much-needed jobs. Yet it's not just the availability of credit that adversely impacts America's small business owners. These people are also ordinary men and women with the same concerns about the value of their homes, the safety of their investments, the spiking interest rates, and the outlook for the future of their children that every American has to be concerned about in these uncertain times.

The bill before us today will not remedy all of these problems, but it will make important improvements in the capacity of small businesses to obtain needed capital without further adding to the potential problems facing our financial sector.

Although the changes in the bill are modest, they include key components of H.R. 1336 that the House overwhelmingly passed back in 2007. These modifications will increase the availability of credit for small businesses and reduce unnecessary paperwork on lenders without undermining the scrutiny provided by the Small Business Administration of the lenders or borrowers.

Title I makes very modest changes to the operation of the SBA's core 7(a) lending program. Nevertheless, these changes will improve the liquidity in the small business lending market while making the loans available to more small businesses. It's important to note that nothing in title I changes the standards under which the SBA guarantees the issuance of loans or alters the fact that the program operates without any taxpayer subsidy. I want to reiterate that: Operates without any taxpayer subsidy.

I'm most proud of title II of H.R. 7175. It modifies and strengthens the loan program operated pursuant to title V of the Small Business Investment Act of 1958. Certified development companies, or CDCs, are vital to long-term economic and community development in my district and throughout the country. CDCs operate to provide long-term fixed-rate financing for small business concerns who find their financing needs cannot be met due to the loan limits of the 7-day loan program. And unlike many 7-day lenders, CDCs must be locally based so they have a key understanding of the needs of the communities they serve.

The first thing that title II does is change the name of the program. While this may sound minor, it will provide greater recognition to CDCs and enable them to better promote their important mission of local economic development.

Section 202 makes important technical changes to the definitions in the CDC program, including, most importantly, defining the term ''certified development company.'' As a corollary, title II eliminates the outdated term ''qualified state and local development company'' from the Small Business Investment Act of 1958.

In my estimation, section 203 is the most important provision in the bill. It statutorily establishes the procedures by which the SBA designates entities as CDCs. The most important requirements of the statutory procedures is the mandate that the CDC have local board members familiar with the economic development needs of the community. Even though the bill authorizes expansion only into neighboring states, the CDC must have representatives that understand the local economic development needs of the new state of operation.

Another very important aspect of the bill authorizes the CDCs to perform their own liquidations. Under the current process, the SBA performs liquidations and only receives about 20 cents on the dollar, a wholly inadequate return on guarantees issued by the Federal Government.

By having CDCs with their local expertise performing liquidations, the taxpayers will receive a better return on their guarantee, something essential given current conditions in the financial markets.

Title II also makes other changes providing greater financial opportunities for small businesses under the CDC program and enhance local economic development without placing any undue risk on the taxpayer.

Finally, title III of H.R. 7175 makes some technical changes to the operation of the small business investment company program. By making it easier to calculate investment limits, SBICs will be better able to manage their portfolios thereby increasing the overall value of their portfolios without placing the Federal taxpayer at any increased risk.

Together, all of these changes made will spur economic development, which is really one of the key things we need to do at this time.

For these reasons, I ask my colleagues to support passage of this.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers.

I reserve my time.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

This appears to be a pretty good bill, but we're not going to help small business until we get an energy package that's going to lower the price of energy, gasoline, and other forms of energy in this country. We're sending $700 billion a year overseas that could be kept here in America by drilling here in America and getting energy out of the ground here in America creating hundreds of thousands of jobs. That's not going to happen. That's not going to happen until we get a good energy bill.

We're asked today to deal with a $700 billion piece of legislation that will help keep this country's economy afloat. And I submit to my colleagues tonight or today that even if we passed that and we solved this problem temporarily, we're going to be right back here if we don't deal with the energy crisis.

This energy crisis is taking money out of everybody's pockets: small business, big business, homeowners. If a person has to pay exorbitant prices to fill their gas tank to get their kids to and from school and to and from work, it's going to hurt them. It's going to hurt them when they have to buy groceries that are transported across this country by diesel fuel and trucks. And because of that, people's cost of living is going up and up and up. And if you don't think that's going to have an impact on their ability to pay their home mortgages, you're just not thinking straight.

We have to deal with the energy crisis so people can spend less on energy, can have that money for food for their kids, and to get to and from school and to and from work and to pay for their home mortgages.

I think we have to deal with the crisis that faces us right now. But I think all of us ought to be aware that until we solve the energy crisis, until we become energy independent or move rapidly in that direction, we're going to continue to have problems in the future with this economy. This economy cannot stand $4 a gallon gasoline. We just can't. And it is going to impact every area of this economy now and in the future.

Even if we pass this so-called bailout bill today or next week or tomorrow, whenever we pass it, it's not going to solve the problem until we deal with the energy crisis which is an integral part of the problems facing America.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers on this side, and I'm prepared to close.

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

Ms. VELÁZQUEZ. Mr. Speaker, let me just say that small businesses are the innovators in this country and that for the last 7 years, this administration's failed policies have not provided the tools and resources for small businesses to be part of the energy solution and make this country energy independent.

We passed H.R. 6 last year. Let's get the White House and the administration to implement those provisions that will allow for small businesses to be part of innovation in relation to energy independence in this country.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAZAYOUX). The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 7175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 3001) ''An Act 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.''.

□ 1715

RECOGNIZING THE 10TH ANNIVERSARY OF THE ESTABLISHMENT OF THE MINORITY AIDS INITIATIVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the concurrent resolution, H. Con. Res. 426, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 426

Whereas the Minority AIDS Initiative was established on October 28, 1998, under the leadership of the Congressional Black Caucus, during the Chairmanship of Congresswoman Maxine Waters, to target funds for the awareness, prevention, testing, and treatment of HIV/AIDS toward racial and ethnic minority communities and toward community-based organizations and health care providers serving these communities;

Whereas HIV/AIDS is a devastating epidemic that continues to spread in communities throughout the United States;

Whereas there are more than 1,000,000 people living with HIV/AIDS in the United States today;

Whereas there are more than 14,000 AIDS-related deaths every year in the United States;

Whereas approximately 1 in 4 of the people living with HIV/AIDS in the United States do not know they are infected;

Whereas all racial and ethnic minorities are disproportionately impacted by HIV/AIDS;

Whereas African-Americans account for about half of new AIDS cases, although approximately 13 percent of the population as a whole is Black, and the Centers for Disease Control and Prevention (CDC) estimates that African-Americans accounted for 45 percent of new HIV infections in 2006;

Whereas Hispanic-Americans account for 19 percent of new AIDS cases, although only 15 percent of the population as a whole is Hispanic, and the CDC estimates that Hispanic-Americans accounted for 17 percent of new HIV infections in 2006;

Whereas Asian-Americans and Pacific Islanders account for 1 percent of new AIDS cases, and Native Americans and Alaskan Natives account for up to 1 percent of new AIDS cases;

Whereas approximately 70 percent of new AIDS cases are racial and ethnic minorities;

Whereas the CDC recently released new estimates of HIV infection, which indicate that approximately 56,300 new HIV infections occurred in the United States in 2006;

Whereas these new estimates are approximately 40 percent higher than the CDC's previous estimates of 40,000 new infections per year;

Whereas the CDC's data confirms that the most severe impact continues to be among gay and bisexual men of all races, and Black men and women;

Whereas the purpose of the Minority AIDS Initiative is to enable community based organizations and health care providers in minority communities to improve their capacity to deliver culturally and linguistically appropriate HIV/AIDS care and services;

Whereas the establishment of the Minority AIDS Initiative was announced on October 28, 1998, during a ''roll-out'' event sponsored by the Congressional Black Caucus, which featured the participation of President Bill Clinton, Secretary of Health and Human Services Donna Shalala, Congresswoman Maxine Waters, members of the Congressional Black Caucus, and representatives of HIV/AIDS service and advocacy organizations;

Whereas it was announced at this ''roll-out'' that the Minority AIDS Initiative would receive an initial appropriation of $156,000,000 in fiscal year 1999;

Whereas concerned Members of Congress, including members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Conference, continue to support the Minority AIDS Initiative;

Whereas the Minority AIDS Initiative continues to provide funding to community-based organizations, research institutions, minority-serving colleges and universities, health care organizations, State and local health departments, correctional institutions, and other providers of health information and services to help such entities address the HIV/AIDS epidemic within the minority populations they serve;

Whereas Congress codified the Minority AIDS Initiative within the most recent reauthorization of the Ryan White CARE Act;

Whereas the Minority AIDS Initiative fills gaps in HIV/AIDS outreach, awareness, prevention, treatment, surveillance, and infrastructure across communities of color; and

Whereas, October 28, 2008, is the 10th anniversary of the establishment of the Minority AIDS Initiative: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and commemorates the 10th anniversary of the establishment of the Minority AIDS Initiative;

(2) commends the efforts of community-based organizations and health care providers in minority communities to deliver culturally and linguistically appropriate HIV/AIDS care and services within the minority populations they serve;

(3) encourages racial and ethnic minorities to educate themselves about the prevention and treatment of HIV/AIDS and reduce HIV related stigma; and

(4) supports the continued funding of the Minority AIDS Initiative and other Federal programs to stop the spread of HIV/AIDS and provide effective, compassionate treatment and care to individuals affected by HIV/AIDS.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

Amend page 4, line 3, through page 5, line 9, to read as follows:

(1) recognizes and commemorates the 10th anniversary of the establishment of the Minority AIDS Initiative;

(2) commends the efforts of community-based organizations and health care providers in minority communities to deliver culturally and linguistically appropriate HIV/AIDS care and services within the minority populations they serve;

(3) encourages racial and ethnic minorities and all Americans to educate themselves about the prevention and treatment of HIV/AIDS and reduce HIV related stigma;

(4) encourages the Centers for Disease Control and Prevention to appropriately address populations significantly impacted by HIV/

AIDS not only through the Minority AIDS Initiative, but through all available programs; and

(5) supports the continuing efforts of the Minority AIDS Initiative to stop the spread of HIV/AIDS and urges effective, compassionate treatment and care to individuals affected by HIV/AIDS.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. PALLONE:

Amend the preamble to read as follows:

Whereas the Minority AIDS Initiative was established on October 28, 1998, under the leadership of the Congressional Black Caucus, to target funds for the awareness, prevention, testing, and treatment of HIV/AIDS toward racial and ethnic minority communities and toward community-based organizations and health care providers serving these communities;

Whereas HIV/AIDS is a devastating epidemic that continues to spread in communities throughout the United States;

Whereas there are more than 1,000,000 people living with HIV/AIDS in the United States today;

Whereas there are more than 14,000 AIDS-related deaths every year in the United States;

Whereas approximately 1 in 4 of the people living with HIV/AIDS in the United States do not know they are infected;

Whereas racial and ethnic minorities are disproportionately impacted by HIV/AIDS;

Whereas African-Americans account for about half of new AIDS cases, although approximately 13 percent of the population as a whole is Black, and the Centers for Disease Control and Prevention (CDC) estimates that African-Americans accounted for 45 percent of new HIV infections in 2006;

Whereas Hispanic-Americans account for 19 percent of new AIDS cases, although only 15 percent of the population as a whole is Hispanic, and the CDC estimates that Hispanic-Americans accounted for 17 percent of new HIV infections in 2006;

Whereas Asian-Americans and Pacific Islanders account for 1 percent of new AIDS cases, and Native Americans and Alaskan Natives account for up to 1 percent of new AIDS cases;

Whereas approximately 70 percent of new AIDS cases are racial and ethnic minorities;

Whereas the CDC recently released new estimates of HIV infection, which indicate that approximately 56,300 new HIV infections occurred in the United States in 2006;

Whereas these new estimates are approximately 40 percent higher than the CDC's previous estimates of 40,000 new infections per year;

Whereas the CDC's data confirms that the most severe impact continues to be among gay and bisexual men of all races, and Black men and women;

Whereas the purpose of the Minority AIDS Initiative is to enable community based organizations and health care providers in minority communities to improve their capacity to deliver culturally and linguistically appropriate HIV/AIDS care and services;

Whereas concerned Members of Congress, including members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Conference, continue to support the Minority AIDS Initiative;

Whereas the Minority AIDS Initiative continues to provide funding to community-based organizations, research institutions, minority-serving colleges and universities, health care organizations, State and local health departments, correctional institutions, and other providers of health information and services to help such entities address the HIV/AIDS epidemic within the minority populations they serve;

Whereas Congress codified the Minority AIDS Initiative within the most recent reauthorization of the Ryan White CARE Act;

Whereas the Minority AIDS Initiative fills gaps in HIV/AIDS outreach, awareness, prevention, treatment, surveillance, and infrastructure across communities of color; and

Whereas, October 28, 2008, is the 10th anniversary of the establishment of the Minority AIDS Initiative: Now, therefore, be it

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution just considered.

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

There was no objection.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3325) to enhance remedies for violations of intellectual property laws, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3325

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prioritizing Resources and Organization for Intellectual Property Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.
Sec. 102. Civil remedies for infringement.
Sec. 103. Treble damages in counterfeiting cases.
Sec. 104. Statutory damages in counterfeiting cases.
Sec. 105. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal copyright infringement.
Sec. 202. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging for works that can be copyrighted.
Sec. 203. Unauthorized fixation.
Sec. 204. Unauthorized recording of motion pictures.
Sec. 205. Trafficking in counterfeit goods or services.
Sec. 206. Forfeiture, destruction, and restitution.
Sec. 207. Forfeiture under Economic Espionage Act.
Sec. 208. Criminal infringement of a copyright.
Sec. 209. Technical and conforming amendments.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

Sec. 301. Intellectual Property Enforcement Coordinator.
Sec. 302. Definition.
Sec. 303. Joint strategic plan.
Sec. 304. Reporting.
Sec. 305. Savings and repeals.
Sec. 306. Authorization of appropriations.

TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

Sec. 401. Local law enforcement grants.
Sec. 402. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.
Sec. 403. Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers.
Sec. 404. Annual reports.

TITLE V—MISCELLANEOUS

Sec. 501. GAO study on protection of intellectual property of manufacturers.
Sec. 502. GAO audit and report on nonduplication and efficiency.
Sec. 503. Sense of Congress.

SEC. 2. REFERENCE.

Any reference in this Act to the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. DEFINITION.

In this Act, the term ''United States person'' means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 101. REGISTRATION OF CLAIM.

(a) LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting ''**CIVIL**'' before ''**INFRINGEMENT**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''no action'' and inserting ''no civil action''; and

(B) in the second sentence, by striking ''an action'' and inserting ''a civil action'';

(3) by redesignating subsection (b) as subsection (c);

(4) in subsection (c), as so redesignated by paragraph (3), by striking ''506 and sections 509 and'' and inserting ''505 and section''; and

(5) by inserting after subsection (a) the following:

''(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

''(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

''(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

''(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

''(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate, except for the institution of and remedies in infringement actions under this section and section 412.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 412 of title 17, United States Code, is amended by striking ''411(b)'' and inserting ''411(c)''.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

''Sec. 411. Registration and civil infringement actions.''.

SEC. 102. CIVIL REMEDIES FOR INFRINGEMENT.

(a) IN GENERAL.—Section 503(a) of title 17, United States Code, is amended to read as follows:

''(a)(1) At any time while an action under this title is pending, the court may order the impounding, on such terms as it may deem reasonable—

''(A) of all copies or phonorecords claimed to have been made or used in violation of the exclusive right of the copyright owner;

''(B) of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies of phonorecords may be reproduced; and

''(C) of records documenting the manufacture, sale, or receipt of things involved in any such violation, provided that any records seized under this subparagraph shall be taken into the custody of the court.

''(2) For impoundments of records ordered under paragraph (1)(C), the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been impounded. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.

''(3) The relevant provisions of paragraphs (2) through (11) of section 34(d) of the Trademark Act (15 U.S.C. 1116(d)(2) through (11)) shall extend to any impoundment of records ordered under paragraph (1)(C) that is based upon an ex parte application, notwithstanding the provisions of rule 65 of the Federal Rules of Civil Procedure. Any references in paragraphs (2) through (11) of section 34(d) of the Trademark Act to section 32 of such Act shall be read as references to section 501 of this title, and references to use of a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services shall be read as references to infringement of a copyright.''.

(b) PROTECTIVE ORDER FOR SEIZED RECORDS.—Section 34(d)(7) of the Trademark Act (15 U.S.C. 1116(d)(7)) is amended to read as follows:

''(7) Any materials seized under this subsection shall be taken into the custody of the court. For seizures made under this section, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.''.

SEC. 103. TREBLE DAMAGES IN COUNTERFEITING CASES.

Section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)) is amended to read as follows:

''(b) In assessing damages under subsection (a) for any violation of section 32(1)(a) of this Act or section 220506 of title 36, United States Code, in a case involving use of a counterfeit mark or designation (as defined in section 34(d) of this Act), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

''(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act), in connection with the sale, offering for sale, or distribution of goods or services; or

''(2) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.''.

SEC. 104. STATUTORY DAMAGES IN COUNTERFEITING CASES.

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking ''$500'' and inserting ''$1,000''; and

(B) by striking ''$100,000'' and inserting ''$200,000''; and

(2) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''.

SEC. 105. IMPORTATION AND EXPORTATION.

(a) IN GENERAL.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

''CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION''.

(b) AMENDMENT ON EXPORTATION.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking ''(a)'' and inserting ''(a) INFRINGING IMPORTATION OR EXPORTATION.—

''(1) IMPORTATION.—'';

(3) by striking ''This subsection does not apply to—'' and inserting the following:

''(2) IMPORTATION OR EXPORTATION OF INFRINGING ITEMS.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright, or which would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under sections 501 and 506.

''(3) EXCEPTIONS.—This subsection does not apply to—'';

(4) in paragraph (3)(A) (as redesignated by this subsection) by inserting ''or exportation'' after ''importation''; and

(5) in paragraph (3)(B) (as redesignated by this subsection)—

(A) by striking ''importation, for the private use of the importer'' and inserting ''importation or exportation, for the private use of the importer or exporter''; and

(B) by inserting ''or departing from the United States'' after ''United States''.

(c) CONFORMING AMENDMENTS.—(1) Section 602 of title 17, United States Code, is further amended—

(A) in the section heading, by inserting ''**or exportation**'' after ''**importation**''; and

(B) in subsection (b)—

(i) by striking ''(b) In a case'' and inserting ''(b) IMPORT PROHIBITION.—In a case'';

(ii) by striking ''the United States Customs Service'' and inserting ''United States Customs and Border Protection''; and

(iii) by striking ''the Customs Service'' and inserting ''United States Customs and Border Protection''.

(2) Section 601(b)(2) of title 17, United States Code, is amended by striking ''the United States Customs Service'' and inserting ''United States Customs and Border Protection''.

(3) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

''6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION ..... 601''.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

SEC. 201. CRIMINAL COPYRIGHT INFRINGEMENT.

(a) FORFEITURE AND DESTRUCTION; RESTITUTION.—Section 506(b) of title 17, United States Code, is amended to read as follows:

''(b) FORFEITURE, DESTRUCTION, AND RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(b) SEIZURES AND FORFEITURES.—

(1) REPEAL.—Section 509 of title 17, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

SEC. 202. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking ''Whoever'' and inserting ''(1) Whoever'';

(2) by amending subsection (d) to read as follows:

''(d) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''; and

(3) by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 203. UNAUTHORIZED FIXATION.

(a) Section 2319A(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(b) Section 2319A(c) of title 18, United States Code, is amended by striking the second sentence and inserting: ''The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by United States Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance.''.

SEC. 204. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 205. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''WHOEVER'' and inserting ''OFFENSE.—''

''(1) IN GENERAL.—Whoever;'';

(B) by moving the remaining text 2 ems to the right; and

(C) by adding at the end the following:

''(2) SERIOUS BODILY HARM OR DEATH.—

''(A) SERIOUS BODILY HARM.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.

''(B) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both.''; and

(2) by adding at the end the following:

''(h) TRANSSHIPMENT AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' or the 'Lanham Act').''.

(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Section 2320(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 206. FORFEITURE, DESTRUCTION, AND RESTITUTION.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 2323. FORFEITURE, DESTRUCTION, AND RESTITUTION.

''(a) CIVIL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The following property is subject to forfeiture to the United States Government:

''(A) Any article, the making or trafficking of which is, prohibited under section 506 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

''(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

''(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

''(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. For seizures made under this section, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

''(b) CRIMINAL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The court, in imposing sentence on a person convicted of an offense under section 506 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States Government any property subject to forfeiture under subsection (a) for that offense.

''(2) PROCEDURES.—

''(A) IN GENERAL.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

''(B) DESTRUCTION.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States shall order that any—

''(i) forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

''(ii) infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

''(c) RESTITUTION.—When a person is convicted of an offense under section 506 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 2323. Forfeiture, destruction, and restitution.''.

SEC. 207. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended to read as follows:

''SEC. 1834. CRIMINAL FORFEITURE.

''Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 208. CRIMINAL INFRINGEMENT OF A COPYRIGHT.

Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(2) in subsection (c)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(3) in subsection (d)(3)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by inserting ''under subsection (a)'' before the semicolon; and

(4) in subsection (d)(4), by inserting ''is a felony and'' after ''offense'' the first place such term appears.

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking ''505, and 509'' and inserting ''and 505''.

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking ''and 509'';

(B) in subsection (c)—

(i) in paragraph (2), by striking ''and 509'';

(ii) in paragraph (3), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(iii) in paragraph (4), by striking ''and section 509''; and

(C) in subsection (e)—

(i) in paragraph (1), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(ii) in paragraph (2), by striking ''and 509''.

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking ''and 509''; and

(B) in paragraph (6), by striking ''and 509''.

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking ''sections 509 and 510'' and inserting ''section 510'';

(B) in paragraph (7)(A), by striking ''and 509'';

(C) in paragraph (8), by striking ''and 509''; and

(D) in paragraph (13), by striking ''and 509''.

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking ''and 509'';

(B) in subsection (e), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(C) in subsection (f)(1), by striking ''and 509''.

(6) Section 411(b) of title 17, United States Code, is amended by striking ''sections 509 and 510'' and inserting ''section 510''.

(b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking ''or 509''.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

SEC. 301. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.

(a) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.—The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this title referred to as the ''IPEC'') to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(b) DUTIES OF IPEC.—

(1) IN GENERAL.—The IPEC shall—

(A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);

(B) coordinate the development of the Joint Strategic Plan against counterfeiting and infringement by the advisory committee under section 303;

(C) assist, at the request of the departments and agencies listed in subsection (b)(3)(A), in the implementation of the Joint Strategic Plan;

(D) facilitate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with other law;

(E) report to the President and report to Congress, to the extent consistent with law, regarding domestic and international intellectual property enforcement programs;

(F) report to Congress, as provided in section 304, on the implementation of the Joint Strategic Plan, and make recommendations, if any and as appropriate, to Congress for improvements in Federal intellectual property laws and enforcement efforts; and

(G) carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IPEC may not control or direct any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.

(3) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and the following members:

(i) Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, and who are, or are appointed by, the respective heads of those departments and agencies:

(I) The Office of Management and Budget.

(II) Relevant units within the Department of Justice, including the Federal Bureau of Investigation and the Criminal Division.

(III) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(IV) The Office of the United States Trade Representative.

(V) The Department of State, the United States Agency for International Development, and the Bureau of International Narcotics Law Enforcement.

(VI) The Department of Homeland Security, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.

(VII) The Food and Drug Administration of the Department of Health and Human Services.

(VIII) The Department of Agriculture.

(IX) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and infringement.

(ii) The Register of Copyrights, or a senior representative of the United States Copyright Office appointed by the Register of Copyrights.

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall develop the Joint Strategic Plan against counterfeiting and infringement under section 303.

SEC. 302. DEFINITION.

For purposes of this title, the term ''intellectual property enforcement'' means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

SEC. 303. JOINT STRATEGIC PLAN.

(a) PURPOSE.—The objectives of the Joint Strategic Plan against counterfeiting and infringement that is referred to in section 301(b)(1)(B) (in this section referred to as the ''joint strategic plan'') are the following:

(1) Reducing counterfeit and infringing goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action against the financing, production, trafficking, or sale of counterfeit or infringing goods, including identifying duplicative efforts to enforce, investigate, and prosecute intellectual property crimes across the Federal agencies and Departments that comprise the Advisory Committee and recommending how such duplicative efforts may be minimized. Such recommendations may include recommendations on how to reduce duplication in personnel, materials, technologies, and facilities utilized by the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(3) Ensuring that information is identified and shared among the relevant departments and agencies, to the extent permitted by law, including requirements relating to confidentiality and privacy, and to the extent that such sharing of information is consistent with Department of Justice and other law enforcement protocols for handling such information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or infringing goods.

(4) Disrupting and eliminating domestic and international counterfeiting and infringement networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws preventing the financing, production, trafficking, and sale of counterfeit and infringing goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(7) Protecting intellectual property rights overseas by—

(A) working with other countries and exchanging information with appropriate law enforcement agencies in other countries relating to individuals and entities involved in the financing, production, trafficking, or sale of counterfeit and infringing goods;

(B) ensuring that the information referred to in subparagraph (A) is provided to appropriate United States law enforcement agencies in order to assist, as warranted, enforcement activities in cooperation with appropriate law enforcement agencies in other countries; and

(C) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IPEC shall submit the joint strategic plan to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(c) RESPONSIBILITY OF THE IPEC.—During the development of the joint strategic plan, the IPEC—

(1) shall provide assistance to, and coordinate the meetings and efforts of, the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 301(b)(3) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement in furtherance of providing assistance to the members of the advisory committee appointed under section 301(b)(3).

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—In the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 301(b)(3) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IPEC and other members of the advisory committee; and

(2) share relevant department or agency information with the IPEC and other members of the advisory committee, including statistical information on the enforcement activities of the department or agency against counterfeiting or infringement, and plans for addressing the joint strategic plan, to the extent permitted by law, including requirements relating to confidentiality and privacy, and to the extent that such sharing of information is consistent with Department of Justice and other law enforcement protocols for handling such information.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A description of the priorities identified for carrying out the objectives in the joint strategic plan, including activities of the Federal Government relating to intellectual property enforcement.

(2) A description of the means to be employed to achieve the priorities, including the means for improving the efficiency and effectiveness of the Federal Government's enforcement efforts against counterfeiting and infringement.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights, including the costs to the economy of the United States resulting from violations of intellectual property laws, and the threats to public health and safety created by counterfeiting and infringement.

(6) An identification of the departments and agencies that will be involved in implementing each priority under paragraph (1).

(7) A strategy for ensuring coordination among the departments and agencies identified under paragraph (6), which will facilitate oversight by the executive branch of, and accountability among, the departments and agencies responsible for carrying out the strategy.

(8) Such other information as is necessary to convey the costs imposed on the United States economy by, and the threats to public health and safety created by, counterfeiting and infringement, and those steps that the Federal Government intends to take over the period covered by the succeeding joint strategic plan to reduce those costs and counter those threats.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeiting and infringement. With respect to such programs, the joint strategic plan shall—

(1) seek to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency of efforts;

(2) identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and infringing products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 182(a) of the Trade Act of 1974 (19 U.S.C. 2242(a)); and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts to improve the laws and enforcement practices of foreign governments against counterfeiting and infringement.

(g) DISSEMINATION OF THE JOINT STRATEGIC PLAN.—The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IPEC may identify.

SEC. 304. REPORTING.

(a) ANNUAL REPORT.—Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 303.

(b) CONTENTS.—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 303(e)(1).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and infringing goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 301(b)(3).

(6) Recommendations, if any and as appropriate, for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and infringement and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made under trade agreements and treaties to protect intellectual property rights of United States persons and their licensees.

(10) The progress made in minimizing duplicative efforts, materials, facilities, and procedures of the Federal agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(11) Recommendations, if any and as appropriate, on how to enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes have utilized existing personnel, materials, technologies, and facilities.

SEC. 305. SAVINGS AND REPEALS.

(a) TRANSITION FROM NIPLECC TO IPEC.—

(1) REPEAL OF NIPLECC.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed effective upon confirmation of the IPEC by the Senate and publication of such appointment in the Congressional Record.

(2) CONTINUITY OF PERFORMANCE OF DUTIES.—Upon confirmation by the Senate, and notwithstanding paragraph (1), the IPEC may use the services and personnel of the National Intellectual Property Law Enforcement Coordination Council, for such time as is reasonable, to perform any functions or duties which in the discretion of the IPEC are necessary to facilitate the orderly transition of any functions or duties transferred from the Council to the IPEC pursuant to any provision of this Act or any amendment made by this Act.

(b) CURRENT AUTHORITIES NOT AFFECTED.—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) RULES OF CONSTRUCTION.—Nothing in this title—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 301(b)(3)(A); and

(2) shall be construed to transfer authority regarding the control, use, or allocation of law enforcement resources, or the initiation or prosecution of individual cases or types of cases, from the responsible law enforcement department or agency.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

SEC. 401. LOCAL LAW ENFORCEMENT GRANTS.

(a) AUTHORIZATION.—Section 2 of the Computer Crime Enforcement Act (42 U.S.C. 3713) is amended—

(1) in subsection (b), by inserting after ''computer crime'' each place it appears the following: '', including infringement of copyrighted works over the Internet''; and

(2) in subsection (e)(1), relating to authorization of appropriations, by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2009 through 2013''.

(b) GRANTS.—The Office of Justice Programs of the Department of Justice may make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes (in this subsection referred to as ''IP–TIC grants''), in accordance with the following:

(1) USE OF IP–TIC GRANT AMOUNTS.—IP–TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-infringement, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law:

(A) Assist State and local law enforcement agencies in enforcing those laws, including by reimbursing State and local entities for expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement officers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multijurisdictional task forces.

(2) ELIGIBILITY.—To be eligible to receive an IP–TIC grant, a State or local government entity shall provide to the Attorney General, in addition to the information regularly required to be provided under the Financial Guide issued by the Office of Justice Programs and any other information required of Department of Justice's grantees—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws described in paragraph (1); and

(C) a plan for coordinating the programs funded under this section with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) MATCHING FUNDS.—The Federal share of an IP–TIC grant may not exceed 50 percent of the costs of the program or proposal funded by the IP–TIC grant.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2009 through 2013.

(B) LIMITATION.—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

SEC. 402. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) ensure that there are at least 10 additional operational agents of the Federal Bureau of Investigation designated to support the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice in the investigation and coordination of intellectual property crimes;

(2) ensure that any Computer Hacking and Intellectual Property Crime Unit in the Department of Justice is supported by at least 1 agent of the Federal Bureau of Investigation (in addition to any agent supporting such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes;

(3) ensure that all Computer Hacking and Intellectual Property Crime Units located at an office of a United States Attorney are assigned at least 2 Assistant United States Attorneys responsible for investigating and prosecuting computer hacking or intellectual property crimes; and

(4) ensure the implementation of a regular and comprehensive training program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes; and

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes.

(b) ORGANIZED CRIME PLAN.—Subject to the availability of appropriations to carry out this subsection, and not later than 180 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, such as the Department of Homeland Security, shall create and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2013.

SEC. 403. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE INTELLECTUAL PROPERTY CRIMES AND OTHER CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2009 through 2013—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) USE OF ADDITIONAL FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate intellectual property crimes and other crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental entities, to investigate, prosecute, and study such crimes.

SEC. 404. ANNUAL REPORTS.

(a) REPORT OF THE ATTORNEY GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to Congress on actions taken to carry out this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include the following:

(1) With respect to grants issued under section 401, the number and identity of State and local law enforcement grant applicants, the number of grants issued, the dollar value of each grant, including a break down of such value showing how the recipient used the funds, the specific purpose of each grant, and the reports from recipients of the grants on the efficacy of the program supported by the grant. The Department of Justice shall use the information provided by the grant recipients to produce a statement for each individual grant. Such statement shall state whether each grantee has accomplished the purposes of the grant as established in section 401(b). Those grantees not in compliance with the requirements of this title shall be subject, but not limited to, sanctions as described in the Financial Guide issued by the Office of Justice Programs at the Department of Justice.

(2) With respect to the additional agents of the Federal Bureau of Investigation authorized under paragraphs (1) and (2) of section 402(a), the number of investigations and actions in which such agents were engaged, the type of each action, the resolution of each action, and any penalties imposed in each action.

(3) With respect to the training program authorized under section 402(a)(4), the number of agents of the Federal Bureau of Investigation participating in such program, the elements of the training program, and the subject matters covered by the program.

(4) With respect to the organized crime plan authorized under section 402(b), the number of organized crime investigations and prosecutions resulting from such plan.

(5) With respect to the authorizations under section 403—

(A) the number of law enforcement officers hired and the number trained;

(B) the number and type of investigations and prosecutions resulting from the hiring and training of such law enforcement officers;

(C) the defendants involved in any such prosecutions;

(D) any penalties imposed in each such successful prosecution;

(E) the advanced tools of forensic science procured to investigate, prosecute, and study computer hacking or intellectual property crimes; and

(F) the number and type of investigations and prosecutions in such tools were used.

(6) Any other information that the Attorney General may consider relevant to inform Congress on the effective use of the resources authorized under sections 401, 402, and 403.

(7) A summary of the efforts, activities, and resources the Department of Justice has allocated to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(A) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(B) a summary of the overall successes and failures of such policies and efforts;

(C) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(i) the number of investigations initiated related to such crimes;

(ii) the number of arrests related to such crimes; and

(iii) the number of prosecutions for such crimes, including—

(I) the number of defendants involved in such prosecutions;

(II) whether the prosecution resulted in a conviction; and

(III) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(D) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(8) A summary of the efforts, activities, and resources that the Department of Justice has taken to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the Department has utilized existing personnel, materials, technologies, and facilities.

(b) INITIAL REPORT OF THE ATTORNEY GENERAL.—The first report required to be submitted by the Attorney General under subsection (a) shall include a summary of the efforts, activities, and resources the Department of Justice has allocated in the 5 years prior to the date of enactment of this Act, as well as the 1-year period following such date of enactment, to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(c) REPORT OF THE FBI.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit a report to Congress on actions taken to carry out this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(d) INITIAL REPORT OF THE FBI.—The first report required to be submitted by the Director of the Federal Bureau of Investigation under subsection (c) shall include a summary of the efforts, activities, and resources the Federal Bureau of Investigation has allocated in the 5 years prior to the date of enactment of this Act, as well as the 1-year period following such date of enactment to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

TITLE V—MISCELLANEOUS

SEC. 501. GAO STUDY ON PROTECTION OF INTELLECTUAL PROPERTY OF MANUFACTURERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to help determine how the Federal Government could better protect the intellectual property of manufacturers by quantification of the impacts of imported and domestic counterfeit goods on—

(1) the manufacturing industry in the United States; and

(2) the overall economy of the United States.

(b) CONTENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine—

(1) the extent that counterfeit manufactured goods are actively being trafficked in and imported into the United States;

(2) the impacts on domestic manufacturers in the United States of current law regarding defending intellectual property, including patent, trademark, and copyright protections;

(3) the nature and scope of current statutory law and case law regarding protecting trade dress from being illegally copied;

(4) the extent which such laws are being used to investigate and prosecute acts of trafficking in counterfeit manufactured goods;

(5) any effective practices or procedures that are protecting all types of intellectual property; and

(6) any changes to current statutes or rules that would need to be implemented to more effectively protect the intellectual property rights of manufacturers.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

SEC. 502. GAO AUDIT AND REPORT ON NON-DUPLICATION AND EFFICIENCY.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the Intellectual Property Enforcement Coordinator and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any possible legislative, administrative, or regulatory changes that Comptroller General recommends be taken by or on behalf of the Intellectual Property Enforcement Coordinator or the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the Intellectual Property Enforcement Coordinator and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including whether the IPEC has utilized existing personnel, materials, technologies, and facilities, such as the National Intellectual Property Rights Coordination Center established at the Department of Homeland Security; and

(4) any actions or efforts that the Comptroller General recommends be taken by or on behalf of the Intellectual Property Enforcement Coordinator and the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes.

SEC. 503. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States intellectual property industries have created millions of high-skill, high-paying United States jobs and pay billions of dollars in annual United States tax revenues;

(2) the United States intellectual property industries continue to represent a major source of creativity and innovation, business start-ups, skilled job creation, exports, economic growth, and competitiveness;

(3) counterfeiting and infringement results in billions of dollars in lost revenue for United States companies each year and even

greater losses to the United States economy in terms of reduced job growth, exports, and competitiveness;

(4) the growing number of willful violations of existing Federal criminal laws involving counterfeiting and infringement by actors in the United States and, increasingly, by foreign-based individuals and entities is a serious threat to the long-term vitality of the United States economy and the future competitiveness of United States industry;

(5) terrorists and organized crime utilize piracy, counterfeiting, and infringement to fund some of their activities;

(6) effective criminal enforcement of the intellectual property laws against violations in all categories of works should be among the highest priorities of the Attorney General;

(7) with respect to all crimes related to the theft of intellectual property, the Attorney General shall give priority to cases with a nexus to terrorism and organized crime; and

(8) with respect to criminal counterfeiting and infringement of computer software, including those by foreign-owned or foreign-controlled entities, the Attorney General should give priority to cases—

(A) involving the willful theft of intellectual property for purposes of commercial advantage or private financial gain;

(B) where the theft of intellectual property is central to the sustainability and viability of the commercial activity of the enterprise (or subsidiary) involved in the violation;

(C) where the counterfeited or infringing goods or services enables the enterprise to unfairly compete against the legitimate rights holder; or

(D) where there is actual knowledge of the theft of intellectual property by the directors or officers of the enterprise.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

S. 3325 is an important bill that provides resources and enhanced enforcement to combat intellectual property crimes.

On May 8 of this year, the House passed H.R. 4279, the PRO-IP Act, by a vote of 410–11. The Senate has returned the bill and made modifications.

I think this bill retains most of the most basic and fundamental reforms that we accomplished, including changes to civil and criminal IP laws that will afford rights holders more protection and the enhancements in penalties for IP violators who endanger public health and safety.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my friend and colleague from North Carolina (Mr. COBLE), a former chairman of the Intellectual Property Subcommittee of the Judiciary Committee and now the ranking member of that subcommittee.

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from Texas, and I doubt that I will use 5 minutes but I thank Mr. SMITH.

I rise, Mr. Speaker, in support of S. 3325.

Every year our economy loses an excess of $200 billion to counterfeiting. This has directly impacted many American businesses and also cost our country countless jobs. Today, counterfeiting has grown into a global and illicit black market trade.

S. 3325 will help our government address counterfeiting from two perspectives. First, from an organizational perspective, it creates an Intellectual Property Enforcement Coordinator in the Executive Office of the President to oversee interagency anticounterfeiting efforts. This person will be responsible for making intellectual property rights a priority for every arm of our government and ensuring that government works efficiently to unearth counterfeit goods and apprehend distributors.

Second, from an enforcement perspective, it authorizes funding for State and local anticounterfeiting efforts and for the Justice Department to create and implement a long range anticounterfeiting enforcement plan and provides new resources for IP and computer-related criminal prosecutions and investigations by the Department of Justice and the FBI.

The version of the PRO-IP bill that was written by the House Judiciary Committee and passed this body by an overwhelming bipartisan vote of 410–11 in May contained a number of new initiatives and authorities that I would have preferred to see included in this bill. That said, the glass is by no means half empty. Its enactment will help our law enforcement agencies better detect, prosecute, and deter counterfeiters.

I cannot convey the full implications that counterfeit goods have had on my congressional district, which is home to the furniture capital of the world. We pride ourselves on workmanship and quality, but even the furniture market is vulnerable to knockoffs and counterfeits.

The enactment of S. 3325 is an important step in our government improving our response to this illicit trade. I thank the distinguished gentleman from Texas, the ranking member; the distinguished gentleman from California (Mr. BERMAN), who chairs the subcommittee; and our chairman, the distinguished gentleman from Michigan, for all the work that they have devoted to this matter and for their tireless leadership in leading the fight against counterfeiting in the Congress for many years.

I urge all Members to support S. 3325, and I thank the Speaker and I thank the gentleman from Texas.

Mr. CONYERS. I yield Chairman HOWARD BERMAN from California as much time as he may consume.

Mr. BERMAN. Mr. Speaker, I very much thank the chairman for yielding and for all the work that he has done to bring this bill to this point.

I rise in support of S. 3325, which is the Senate's companion bill to the chairman's and a number of us, our bill, H.R. 4279, which passed the House overwhelmingly by a 410–11 vote on May 6, 2008. S. 3325, like H.R. 4279, makes necessary changes to our intellectual property laws, improves coordination of our intellectual property enforcement efforts, and devotes more resources to tackling the scourge of intellectual property crime.

The proliferation of intellectual property crime has had a disastrous impact on our economy and on public health and safety. Counterfeit and pirated products may account for up to 10 percent of the world's trade, and a significant portion of these are American products. Conservative estimates indicate that U.S. business loses up to $250 billion a year—I know these days $250 billion isn't that much, but it's a serious amount—due to intellectual property theft.

This level of counterfeiting and piracy translates to job losses, lower tax receipts, and greater trade deficits. Public health and safety is threatened by inferior and dangerous knockoffs, such as exploding batteries, toxic pharmaceuticals, and sawdust brake pads.

In response to the grave threat of intellectual property theft and the threat that poses to the U.S. economy and the health and safety of our citizens, the House passed the PRO-IP bill.

The bill strengthened our civil and criminal laws in ways that attack the organizational structures intellectual property thieves use and that reduce the economic incentives thieves have to engage in commercial-scale counterfeiting and piracy. It devoted more resources to investigating and prosecuting intellectual property crimes and to working with other governments to improve intellectual property enforcement aboard.

Following our lead, the Senate passed S. 3325, which provides many of the same reforms called for in H.R. 4279.

I just want to close by thanking very much Chairman CONYERS, his staff, the subcommittee staff for all the work they put into it, the minority staff, Mr. COBLE, Mr. SMITH, who is a great partnership, and for working to develop and pass this bill, and to thank Senator LEAHY and his staff for their efforts and urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), a former chairman of the Commercial and Administrative Law Subcommittee and now the ranking member of that subcommittee.

Mr. CANNON. Mr. Speaker, I thank the ranking member.

I rise in opposition to this bill. A similar bill passed under suspension by about a vote of 410–11, and I was one of the people that voted for the bill at that time. The bill went over to the Senate. The Senate has amended the bill.

The underlying bill I think is actually a very good bill. It's a very important bill. We need to do something with it. But the bill that has come back is dramatically different from the bill that went over to the Senate.

My understanding is that the Senate has included in this bill the power for Federal law enforcement agencies to seize equipment that may be used in violation of the act. And what that means is, if you have got a kid who downloads music improperly, your computer may be seized. I'm not exactly sure what the scope of that seizure is, but that's in part because this is a gerrymandered piece of this bill that was added to an underlying bill that was coherent and integrated and would have worked very, very well.

As it is, I have to rise in opposition to this, what I think of as an extraordinary assertion of Federal authority over what we do with our personal lives and our computers and our equipment.

That is not to condone, by any stretch of the imagination, the improper use of copyrighting material, but to say, rather, that this bill, in its current form, has gone too far in that regard.

And so I oppose the bill, and I ask that my colleagues take a look at it and consider it and consider opposing this bill, along with me, because of the overreach that has happened here.

I might note this seems like this happened about 8 years ago where the Senate added a provision to one of the appropriations bills that would have allowed the recording industry to spike, that is, to put a virus on the computer of the user on which downloaded music resided.

□ 1730

That was inappropriate. We worked on this side to stop that, and I think we should stop that here with this bill now.

Mr. CONYERS. Mr. Speaker, I yield as much time as she may consume to the chairwoman of the California delegation, ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in opposition to this bill.

While we do need to focus our efforts to combat criminal activity related to intellectual property, the unbounded forfeiture provision in this bill isn't about going after criminals, it's about going after the Internet.

The language in the House bill, the bill that we sent over, although problematic in some ways, at least had some measures to ensure that there was a meaningful connection between the property subject to seizure and the underlying offense. This bill, back from the Senate, strips away those assurances. It subjects to seizure ''any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense.'' That unqualified language means that virtually anything through which Internet traffic passes is subject to seizure, no matter how incidental the connection to the offense or how innocent the owner.

This provision shifts the liability for infringement—and thus responsibility from enforcement—onto innocent intermediaries, whether they are ISPs, businesses, schools, libraries, or consumers. We have seen this before this year and will likely see it again as time goes on. We saw the same type of provisions—although not as wildly extravagant—in the Higher Education Act, even after colleges told us it would divert resources from their primary mission of education. We're seeing it in the secret negotiations on the Anti-Counterfeiting Trade Agreement that apparently is going to, in some manner, require ISPs to police the conduct of their users, potentially in violation of their privacy rights.

I understand why the content industry pushes for these measures. They're trying to protect an analog business model in the digital environment, and that's difficult and expensive; and treating one's customers like criminals is bad for PR. Accordingly, the content industry has every incentive to make others do the work for it.

What I don't understand is why Congress goes along with these proposals. With each successive Congress, copyright law and policy becomes less of a balanced system of rights to promote creativity and innovation and more of a set of tools by which certain corporate interests protect themselves.

In our unbridled zeal for IP enforcement and utter indifference to the rights of users and consumers, we are losing sight of the underlying principles of our copyright system. This bill takes us further away from those principles. And I would add that I can't think of a single other circumstance where civil libertarians would even consider the concept of seizing the property of innocent bystanders in any other legal scheme, whether it was fraud or any other matter. We wouldn't permit that, and we should not permit it in this case.

I urge that we defeat this bill. And although there are some provisions in it that are meritorious, there is consensus for those, we can certainly adopt them next year. I urge defeat and yield back to the chairman with thanks.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal purpose of S. 3325, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, or PRO-IP Act, is to improve the government's response to the threats posed by counterfeiting and piracy.

At the outset, I want to recognize Chairman CONYERS, IP Subcommittee Chairman BERMAN, and IP Subcommittee Ranking Member COBLE, each of whom helped to advance the House version of this legislation, H.R. 4279, which passed the House in May by an overwhelming vote of 410–11.

I also want to say at this point that I happen to agree with the concerns expressed by the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from California (Ms. ZOE LOFGREN). And while I agree with their concerns, particularly their objection to the provision that was changed by the other body, I am still going to support this legislation as it stands and hope to make a change in the future that will address their concerns.

Over the past 25 years, perhaps no group of industries has been more responsible for the sustained growth in our economy than those who rely on strong patent, trademark and copyright protections. Today, our technology, entertainment, and productivity-based enterprises stand as pillars of our economic and export strength. They employ 18 million Americans and account for 40 percent of our economic growth.

The successes of our IP rights-holders—family-owned small businesses and Fortune 500 companies alike—make them prime targets for international pirates and counterfeiters. According to the U.S. Department of Justice, this criminal activity costs U.S. citizens up to $250 billion every year, and has contributed to the loss of up to 750,000 jobs.

The PRO-IP Act is a measure that is designed to respond to these challenges. The bill contains provisions that; one, strengthen our laws against counterfeiting and piracy; two, provide new resources to key agencies involved in the enforcement of IP rights; and three, require a new and unprecedented level of coordination and leadership on IP enforcement issues from the White House.

Mr. Speaker, while our government agencies are doing more today to protect IP than ever before, the reality is that we must do even more if we are to increase the cost of doing business for counterfeiters and traffickers, some of whom are connected to organized crime.

With competing priorities and limited resources, our government agencies must work in a cooperative and coordinated fashion to leverage our IP enforcement efforts. By statutorily elevating these issues to the White House level and requiring the continuous and systematic development of an unprecedented national strategy to target IP theft, the PRO-IP Act represents an important first step towards ensuring our government agencies work efficiently and in concert to develop a joint response to this pervasive threat.

Congress has a duty to ensure that IP enforcement is made a permanent priority of every administration. This

measure, while not containing all of the provisions that were in the House measure, is a first step towards achieving our goals.

By supporting S. 3325, the House will send a clear message to the White House and future administrations that there is a bipartisan and bicameral commitment to the protection of our vital national and economic interests. So I urge my colleagues to support S. 3325.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support S. 3325, the "Prioritizing Resources and Organization for Intellectual Property (PRO–IP) Act of 2007." I was a co-sponsor of this legislation when it was introduced before the House as H.R. 4789, and I urge my colleagues to join me in voting in support of this legislation. I am confident that this bill can address and strengthen criminal and civil enforcement of United States intellectual property law.

The purpose of the Senate bill is to strengthen criminal and civil enforcement of United States intellectual property law focusing, in particular, on copyright violations (piracy) and trademark violations (counterfeiting). In addition, the PRO–IP Act seeks to modernize and improve U.S. government efforts for coordination and enforcement of our nation's IP laws.

The knowledge and innovation of American citizens contributes significantly to the economic strength of our nation. Intellectual property law provides the principle incentives that are calculated to lead to the creation and production of new works. This bill is needed because the effect of piracy and counterfeiting on the economy is devastating. Total global losses to United States companies from counterfeiting and copyright piracy amount to $250 billion per year. Every company in every industry is vulnerable.

Because these illegal activities represent a growing public health, safety and law enforcement problem, S. 3325 provides additional targeted resources for investigation, enforcement and prosecution; requires the development and promulgation of a national Joint Strategic Plan to combat counterfeiting and piracy; and provides for enhanced Presidential level leadership and coordination among federal agencies involved with preserving and protecting intellectual property rights.

Title I of S. 3325 provides enhancements to civil intellectual property laws. Specifically, Title I makes it clear that a certificate of registration will satisfy registration requirements regardless of whether there is any inaccurate information on the registration application, unless the inaccurate information was included with knowledge that it was inaccurate.

Title I also broadens the civil remedies for infringement by broadening the scope of articles that may be ordered impounded by the court upon a finding that the article was made or used in violation of a copyright. This Title also directs the court to enter a protective order to ensure that confidential information is not improperly disclosed.

Title II provides enhancements to criminal intellectual property laws by addressing repeat offender penalties for criminal acts contained within the criminal copyright statute. Title II clarifies that a repeat offender is a person that commits the same criminal act twice. The bill clarifies that any property subject to forfeiture must be owned or predominantly controlled by the violator in order to be seized and directs the United States Sentencing Commission to consider whether the sentencing guidelines should be expanded to include the export of infringing items. There are enhanced maximum statutory penalties for counterfeit offenses that endanger public health and safety.

Title III of S. 3325 provides greater coordination and strategic planning of federal efforts against counterfeiting and piracy. Specifically, this Title establishes within the Executive Office of the President, the Office of the United States Intellectual Property Enforcement Representative and, within that Office, the United States Intellectual Property Enforcement Representative, appointed by the President of the United States. Lastly, Titles IV and V provide international enforcement, national, and local enforcement.

While I supported the House version of the bill and I support this Senate version, I would like to consider ways to ensure diversity in the Computer Hacking and Intellectual Property (CHIPs) units that are established by this bill. I would like to work to ensure that minorities be represented in the hiring and that special recruitment initiatives be launched at historically black colleges and universities and other minority serving institutions. We should do all within our efforts to guarantee that minorities receive the necessary training and be recruited to help in the IP enforcement at the Executive, State, and local levels.

Simply, Mr. Speaker, S. 3325 is a first step toward the promotion of the American economy. It ensures that American innovation will remain crucial to the United States economy and that American innovation will allow the United States to remain a global economic power. Indeed, this bill ensures that the United States IP laws are enforced and that the American intellectual property system remains one of the best in the world.

I urge all members to support this much needed and thoughtful legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

KEEPING THE INTERNET DEVOID OF SEXUAL PREDATORS ACT OF 2008

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 431) to require convicted sex offenders to register online identifiers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 431

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 "Keeping the Internet Devoid of Sexual Predators Act of 2008" or the "KIDS Act of 2008".

SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

"(4) Any electronic mail address or other designation the sex offender uses or will use for self-identification or routing in Internet communication or posting.".

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: "The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.".

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (a)"; and

(2) by adding at the end the following:

"(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

"(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.".

(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 602) is amended by striking "offense specified in subsection (a)" and inserting "offenses specified in subsections (a) and (d) of section 2250 of title 18, United States Code".

SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any electronic mail address or designation used for self-identification or routing in Internet communication or posting; and''.

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

''(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

''(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

''(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

''(A) the name and legal status of the website;

''(B) the contact information for the website;

''(C) a description of the nature and operations of the website;

''(D) a statement explaining why the website seeks to use the system; and

''(E) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

''(i) to protect the safety of the users of such website; and

''(ii) not for any unlawful or improper purpose.

''(3) SEARCHES AGAINST THE SYSTEM.—

''(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

''(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

''(ii) pay any fee established by the Attorney General for use of the system.

''(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

''(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

''(i) provides false information in its application for use of the system; or

''(ii) may be using or seeks to use the system for any unlawful or improper purpose.

''(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

''(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

''(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

''(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

''(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

''(5) LIMITATION ON LIABILITY.—

''(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the social networking website, or a director, officer, employee, or agent of that social networking website—

''(i) engaged in intentional misconduct; or

''(ii) acted, or failed to act—

''(I) with actual malice;

''(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

''(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.

''(D) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry.

''(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a social networking website, to compare its database of registered users with the list of electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.''.

SEC. 4. DEFINITIONS.

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) is amended by adding at the end the following:

''(15) The term 'social networking website' means an Internet website that—

''(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and

''(B) offers a mechanism for communication with other users.

''(16) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

''(17) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).''.

SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

''(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.''.

SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Keeping the Internet Devoid of Sexual Predators Act of 2008'' or the ''KIDS Act of 2008''.

SEC. 2. DIRECTION TO THE ATTORNEY GENERAL.

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE CERTAIN INTERNET RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—The Attorney General, using the authority provided in section 114(a)(7) of the Sex Offender Registration and Notification Act, shall require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act. These records of Internet identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as the other records in the National Sex Offender Registry.

(b) TIMELINESS OF REPORTING OF INFORMATION.—The Attorney General, using the authority provided in section 112(b) of the Sex Offender Registration and Notification Act, shall specify the time and manner for keeping current information required to be provided under this section.

(c) NONDISCLOSURE TO GENERAL PUBLIC.—The Attorney General, using the authority provided in section 118(b)(4) of the Sex Offender Registration and Notification Act, shall exempt from disclosure all information provided by a sex offender under subsection (a).

(d) NOTICE TO SEX OFFENDERS OF NEW REQUIREMENTS.—The Attorney General shall ensure that procedures are in place to notify each sex offender of changes in requirements that apply to that sex offender as a result of the implementation of this section.

(e) DEFINITIONS.—

(1) OF ''SOCIAL NETWORKING WEBSITE''.—As used in this Act, the term ''social networking website''—

(A) means an Internet website—

(i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and

(ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and

(iii) whose primary purpose is to facilitate online social interactions; and

(B) includes any contractors or agents used by the website to act on behalf of the website in carrying out the purposes of this Act.

(2) OF ''INTERNET IDENTIFIERS''.—As used in this Act, the term ''Internet identifiers'' means electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.

(3) OTHER TERMS.—A term defined for the purposes of the Sex Offender Registration and Notification Act has the same meaning in this Act.

SEC. 3. CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.

(a) IN GENERAL.—

(1) SECURE SYSTEM FOR COMPARISONS.—The Attorney General shall establish and maintain a secure system that permits social networking websites to compare the information contained in the National Sex Offender Registry with the Internet identifiers of users of the social networking websites, and view only those Internet identifiers that match. The system—

(A) shall not require or permit any social networking website to transmit Internet identifiers of its users to the operator of the system, and

(B) shall use secure procedures that preserve the secrecy of the information made available by the Attorney General, including protection measures that render the Internet identifiers and other data elements indecipherable.

(2) PROVISION OF INFORMATION RELATING TO IDENTITY.—Upon receiving a matched Internet identifier, the social networking website may make a request of the Attorney General for, and the Attorney General shall provide promptly, information related to the identity of the individual that has registered the matched Internet identifier. This information is limited to the name, sex, resident address, photograph, and physical description.

(b) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system shall submit an application to the Attorney General which provides—

(1) the name and legal status of the website;

(2) the contact information for the website;

(3) a description of the nature and operations of the website;

(4) a statement explaining why the website seeks to use the system;

(5) a description of policies and procedures to ensure that—

(A) any individual who is denied access to that website on the basis of information obtained through the system is promptly notified of the basis for the denial and has the ability to challenge the denial of access; and

(B) if the social networking website finds that information is inaccurate, incomplete, or cannot be verified, the site immediately notifies the appropriate State registry and the Department of Justice, so that they may delete or correct that information in the respective State and national databases;

(6) the identity and address of, and contact information for, any contractor that will be used by the social networking website to use the system; and

(7) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

(A) to protect the safety of the users of such website; and

(B) for the limited purpose of making the automated comparison described in subsection (a).

(c) SEARCHES AGAINST THE SYSTEM.—

(1) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system may conduct searches under the system as frequently as the Attorney General may allow.

(2) AUTHORITY OF ATTORNEY GENERAL TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

(A) provides false information in its application for use of the system;

(B) may be using or seeks to use the system for any unlawful or improper purpose;

(C) fails to comply with the procedures required under subsection (b)(5); or

(D) uses information obtained from the system in any way that is inconsistent with the purposes of this Act.

(3) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system may release to the public any list of the Internet identifiers of sex offenders contained in the system.

(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under subsection (a) by social networking websites approved to use such system.

(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under subsection (a) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

(4) PAYMENT OF FEE.—A social networking website approved to use the system shall pay any fee established by the Attorney General for use of the system.

(5) LIMITATION ON LIABILITY.—

(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, contractor, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) does not apply to a claim if the social networking website, or a director, officer, employee, parent, contractor, or agent of that social networking website—

(i) engaged in intentional misconduct; or

(ii) acted, or failed to act—

(I) with actual malice;

(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

(C) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the Internet identifiers for which a match has been found through the system.

(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require any Internet website, including a social networking website, to use the system, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to do so.

SEC. 4. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.

(a) IN GENERAL.—Subparagraph (C) of section 621(a)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read as follows:

''(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

''(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

''(ii) permit continuous monitoring of offenders 24 hours a day.''.

(b) EFFECTIVE DATE.— The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment was agreed to.

Mr. CHABOT. Mr. Speaker, I'd like to thank my House and Senate colleagues today for their ongoing leadership on this critical issue. Today is another significant step in our effort to protect our Nation's most precious asset—our children. Together with the PROTECT Act, which the House considered earlier, we are sending a message to predators that we will not let you get our children.

The Adam Walsh Child Protection and Safety Act, that we passed two years ago and which increased national registration requirements and penalties on sex offenders, was a much needed response to the growing threats our Nation's children face each and every day.

However, the threat still exists and, in fact, continues to grow, particularly as technology advances. Social Web sites such as MySpace and Facebook give our kids new ways to interact. Yet, they also open doors for sexual predators to target them—making it essential that our laws keep up with technology.

The bills that we are considering today send the message that we will not tolerate this disturbing trend. The Keeping the Internet Devoid of Sexual Predators Act, or KIDS Act, of 2007, ensures that our laws and the resources needed to catch and keep these criminals off the street are as up-to-date as the technology that our kids are using.

I urge my colleagues to support this important legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of S. 431, the "Keeping the Internet Devoid of Sexual Predators Act of 2007" also known as the KIDS Act. This important legislation takes a historic step forward in updating and strengthening our laws to protect our kids from sexual predators online.

At the beginning of this Congress, I introduced the House companion to the KIDS Act with our dear departed friend, Rep. Paul Gillmor, a true champion of protecting children from dangerous sexual predators both online and offline. He spent much of his time in Congress fighting to keep our kids safe, and I know that he would be very proud of the passage of today's legislation.

When my own kids are online, I want to do everything possible to keep them safe from online predators. Sex offenders have no business being on social networking sites like MySpace and Facebook and the hundreds of other social networking sites that kids are on today. This bipartisan compromise will make it easier for social networking sites to find these offenders and kick these individuals off of their sites so that they are not able to prey on our Nation's children.

Under current law, convicted sex offenders have to register where they work, live, go to school, and provide any other information that is required by the Attorney General, This act mandates that the Attorney General use his authority to require convicted sex offenders to register their Internet identifiers such as their email and instant messaging addresses. Failure to register internet identifiers as required will be treated as any other registration violation punishable under 18 U.S.C. §2250. The Department of Justice will then create a system to share this information with social networking sites so that these companies can keep registered sex offenders from using their services.

According to a University of New Hampshire study, 1 in 7 children receive unwanted sexual solicitations online. With nearly 90 percent of our Nation's teenagers using the Internet everyday, it is now more important than ever to pass legislation like this that updates our laws to protect our kids from those who would exploit them online.

I would like to thank MySpace for their leadership in advancing this legislation and for the proactive steps that they have already taken to delete convicted registered sex offenders from their site. We hope this legislation will encourage others to follow their lead.

I would also like to thank Chairman SCOTT, Chairman CONYERS, Senator SCHUMER and Representative RAHM EMANUEL for their work on this issue. I would specifically like to thank House Judiciary staff—Mark Dubester, Ted Kalo, Bobby Vassar, Ameer Gopalani and Karen Wilkinson—for their hard work in reaching a compromise on this issue. I look forward to continuing to work with all of you to protect our children from the threat of sex offenders on the Internet.

Mr. SMITH of Texas. Mr. Speaker, child predators will stop at nothing to prey on innocent children. The Internet affords them not only a virtual world within which to lure children into meeting them but also significantly hampers the ability of law enforcement to identify and apprehend them.

The Internet is constantly evolving. A decade ago, email was the revolution that connected people in the workplace, on college campuses, and across the country. Today, chat rooms and social networking sites boast users in the millions from around the world and attract young children who may not be aware of the risks involved with sharing personal information online.

We were all shocked to learn last year that over 20,000 registered sex offenders were on commercial social networking sites. In response to media attention, these sites removed the sex offenders and continue to actively monitor their sites.

S. 431, the Keeping the Internet Devoid of Sexual Predators Act or KIDS Act of 2007, will help these sites and other Internet providers, as well as law enforcement officials, to identify sex offenders lurking on the Internet. The bill contains an important provision requiring sex offenders to update their registration information to include their electronic mail addresses, instant messaging addresses and other similar Internet identifiers.

The KIDS Act also provides a mechanism to allow social networking sites to check sex offender registries to prevent sex offenders from accessing the site.

The House passed similar legislation, H.R. 719, last year. However, many of these important provisions had been stripped from the bill before it was brought to the floor. I am pleased that S. 431 reinstates many of these provisions, most importantly, the requirement that sex offenders report their email addresses and other Internet identifiers.

S. 431 also incorporates a provision originally introduced by my colleague from Virginia, Congressman RANDY FORBES, in H.R. 4094. This provision amends the Adam Walsh Act to revise the minimum standards for electronic monitoring of sex offenders. This important correction will improve the use of these monitoring devices under the Adam Walsh Act pilot program.

I urge my colleagues to support this bill.

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

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3605) to extend the pilot program for volunteer groups to obtain criminal history background checks, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3605

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 ''Criminal History Background Checks Pilot Extension Act of 2008''.

SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking ''a 66-month'' and inserting ''a 78-month''.

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

PROTECT OUR CHILDREN ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1738) 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.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1738

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION
Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
Sec. 102. Establishment of National ICAC Task Force Program.
Sec. 103. Purpose of ICAC task forces.
Sec. 104. Duties and functions of task forces.
Sec. 105. National Internet Crimes Against Children Data System.
Sec. 106. ICAC grant program.
Sec. 107. Authorization of appropriations.
TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION
Sec. 201. Additional regional computer forensic labs.
TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION
Sec. 301. Prohibit the broadcast of live images of child abuse.
Sec. 302. Amendment to section 2256 of title 18, United States Code.
Sec. 303. Amendment to section 2260 of title 18, United States Code.
Sec. 304. Prohibiting the adaptation or modification of an image of an identifiable minor to produce child pornography.
TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS
Sec. 401. NIJ study of risk factors for assessing dangerousness.
TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION
Sec. 501. Reporting requirements of electronic communication service providers and remote computing service providers.
Sec. 502. Reports.
Sec. 503. Severability.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement

agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against

Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

SEC. 106. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

SEC. 301. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

SEC. 302. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

SEC. 303. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

SEC. 304. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an on-line child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes

recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

SEC. 501. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

"SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

''(a) DUTY TO REPORT.—

''(1) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

''(A) provide to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

''(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances from which there is an apparent violation of—

''(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

''(B) section 1466A.

''(b) CONTENTS OF REPORT.—To the extent the information is within the custody or control of an electronic communication service provider or a remote computing service provider, the facts and circumstances included in each report under subsection (a)(1) may include the following information:

''(1) INFORMATION ABOUT THE INVOLVED INDIVIDUAL.—Information relating to the identity of any individual who appears to have violated a Federal law described in subsection (a)(2), which may, to the extent reasonably practicable, include the electronic mail address, Internet Protocol address, uniform resource locator, or any other identifying information, including self-reported identifying information.

''(2) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber of an electronic communication service or a remote computing service uploaded, transmitted, or received apparent child pornography or when and how apparent child pornography was reported to, or discovered by the electronic communication service provider or remote computing service provider, including a date and time stamp and time zone.

''(3) GEOGRAPHIC LOCATION INFORMATION.—

''(A) IN GENERAL.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified billing address, or, if not reasonably available, at least 1 form of geographic identifying information, including area code or zip code.

''(B) INCLUSION.—The information described in subparagraph (A) may also include any geographic information provided to the electronic communication service or remote computing service by the customer or subscriber.

''(4) IMAGES OF APPARENT CHILD PORNOGRAPHY.—Any image of apparent child pornography relating to the incident such report is regarding.

''(5) COMPLETE COMMUNICATION.—The complete communication containing any image of apparent child pornography, including—

''(A) any data or information regarding the transmission of the communication; and

''(B) any images, data, or other digital files contained in, or attached to, the communication.

''(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

''(2) STATE AND LOCAL LAW ENFORCEMENT.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate law enforcement official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

''(3) FOREIGN LAW ENFORCEMENT.—

''(A) IN GENERAL.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

''(B) TRANSMITTAL TO DESIGNATED FEDERAL AGENCIES.—If the National Center for Missing and Exploited Children forwards a report to a foreign law enforcement agency under subparagraph (A), the National Center for Missing and Exploited Children shall concurrently provide a copy of the report and the identity of the foreign law enforcement agency to—

''(i) the Attorney General; or

''(ii) the Federal law enforcement agency or agencies designated by the Attorney General under subsection (d)(2).

''(d) ATTORNEY GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Attorney General shall enforce this section.

''(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

''(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

''(A) in consultation with the Secretary of State, designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

''(B) establish the conditions under which such a report may be forwarded to such agencies; and

''(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

''(4) REPORTING DESIGNATED FOREIGN AGENCIES.—The Attorney General shall maintain and make available to the Department of State, the National Center for Missing and Exploited Children, electronic communication service providers, remote computing service providers, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a list of the foreign law enforcement agencies designated under paragraph (3).

''(5) SENSE OF CONGRESS REGARDING DESIGNATION OF FOREIGN AGENCIES.—It is the sense of Congress that—

''(A) combating the international manufacturing, possession, and trade in online child pornography requires cooperation with competent, qualified, and appropriately trained foreign law enforcement agencies; and

''(B) the Attorney General, in cooperation with the Secretary of State, should make a substantial effort to expand the list of foreign agencies designated under paragraph (3).

''(6) NOTIFICATION TO PROVIDERS.—If an electronic communication service provider or remote computing service provider notifies the National Center for Missing and Exploited Children that the electronic communication service provider or remote computing service provider is making a report under this section as the result of a request by a foreign law enforcement agency, the National Center for Missing and Exploited Children shall—

''(A) if the Center forwards the report to the requesting foreign law enforcement agency or another agency in the same country designated by the Attorney General under paragraph (3), notify the electronic communication service provider or remote computing service provider of—

''(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

''(ii) the date on which the report was forwarded; or

''(B) notify the electronic communication service provider or remote computing service provider if the Center declines to forward the report because the Center, in consultation with the Attorney General, determines that no law enforcement agency in the foreign country has been designated by the Attorney General under paragraph (3).

''(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

''(1) in the case of an initial knowing and willful failure to make a report, not more than $150,000; and

''(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than $300,000.

''(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

''(1) monitor any user, subscriber, or customer of that provider;

''(2) monitor the content of any communication of any person described in paragraph (1); or

''(3) affirmatively seek facts or circumstances described in sections (a) and (b).

''(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

''(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

''(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

''(i) to an attorney for the government for use in the performance of the official duties of that attorney;

''(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

''(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

''(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

''(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

''(vi) subject to subparagraph (B), to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

''(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

''(B) LIMITATIONS.—

''(i) LIMITATIONS ON FURTHER DISCLOSURE.—The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of a report provided under subparagraph (A)(vi) to any person, except as necessary to respond to the legal process.

''(ii) EFFECT.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide child pornography images to an electronic communications service provider or a remote computing service.

''(3) PERMITTED DISCLOSURES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—The National Center for Missing and Exploited Children may disclose information received in a report under subsection (a) only—

''(A) to any Federal law enforcement agency designated by the Attorney General under subsection (d)(2);

''(B) to any State, local, or tribal law enforcement agency involved in the investigation of child pornography, child exploitation, kidnapping, or enticement crimes;

''(C) to any foreign law enforcement agency designated by the Attorney General under subsection (d)(3); and

''(D) to an electronic communication service provider or remote computing service provider as described in section 2258C.

''(h) PRESERVATION.—

''(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as a request to preserve, as if such request was made pursuant to section 2703(f).

''(2) PRESERVATION OF REPORT.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) for 90 days after such notification by the CyberTipline.

''(3) PRESERVATION OF COMMINGLED IMAGES.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve any images, data, or other digital files that are commingled or interspersed among the images of apparent child pornography within a particular communication or user-created folder or directory.

''(4) PROTECTION OF PRESERVED MATERIALS.—An electronic communications service or remote computing service preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access by agents or employees of the service to the materials to that access necessary to comply with the requirements of this subsection.

''(5) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

''SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.

''(a) IN GENERAL.—Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, sections 2258A, 2258C, 2702, or 2703.

''(c) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

''(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

''SEC. 2258C. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO IMAGES REPORTED TO THE CYBERTIPLINE.

''(a) ELEMENTS.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

''(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

''(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual images.

''(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations under section 2258A.

''(c) LIMITATIONS.—Nothing in subsections (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

''(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

''(e) USE BY LAW ENFORCEMENT.—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

''SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

''(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

''(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

''(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.

''SEC. 2258E. DEFINITIONS.

''In sections 2258A through 2258D—

''(1) the terms 'attorney for the government' and 'State' have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

''(2) the term 'electronic communication service' has the meaning given that term in section 2510;

''(3) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN–SPAM Act of 2003 (15 U.S.C. 7702);

''(4) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

''(5) the term 'remote computing service' has the meaning given that term in section 2711; and

''(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERCEDED PROVISION.—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

(2) TECHNICAL CORRECTIONS.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(6), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''; and

(B) in subsection (c)(5), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''.

(3) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

''2258A. Reporting requirements of electronic communication service providers and remote computing service providers.

''2258B. Limited liability for electronic communication service providers and remote computing service providers.

''2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline.

''2258D. Limited liability for the National Center for Missing and Exploited Children.

''2258E. Definitions.''.

SEC. 502. REPORTS.

(a) ATTORNEY GENERAL REPORT ON IMPLEMENTATION, INVESTIGATIVE METHODS AND INFORMATION SHARING.—Not later than 12 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the structure established in this Act, including the respective functions of the National Center for Missing and Exploited Children, Department of Justice, and other entities that participate in information sharing under this Act;

(2) an assessment of the legal and constitutional implications of such structure;

(3) the privacy safeguards contained in the reporting requirements, including the training, qualifications, recruitment and screening of all Federal and non-Federal personnel implementing this Act; and

(4) information relating to the aggregate number of incidents reported under section 2258A(b) of title 18, United States Code, to Federal and State law enforcement agencies based on the reporting requirements under this Act and the aggregate number of times that elements are provided to communication service providers under section 2258C of such title.

(b) GAO AUDIT AND REPORT ON EFFICIENCY AND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline, and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any legislative, administrative, or regulatory changes that the Comptroller General recommends be taken by or on behalf of the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of child pornography crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes, including the use of existing personnel, materials, technologies, and facilities; and

(4) any actions or efforts that the Comptroller General recommends be taken by the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes.

SEC. 503. SEVERABILITY.

If any provision of this title or amendment made by this title is held to be unconstitutional, the remainder of the provisions of this title or amendments made by this title—

(1) shall remain in full force and effect; and

(2) shall not be affected by the holding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

Members, the PROTECT Our Children Act enhances the ability of Federal and State law enforcement officials to investigate and prosecute crimes involving the use of the Internet to further the sexual exploitation of children.

Our colleague, DEBBIE WASSERMAN SCHULTZ of Florida, is the author of this amendment. It passed overwhelmingly last year. And I would yield her as much time as she may consume.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support Senate bill 1738, the PROTECT Our Children Act of 2008.

Mr. Speaker, I don't have to tell you that children today are growing up in a completely different world than we did. Our children have wonderful opportunities to learn in ways that we never had, but there are also dangers our generation never had to consider.

The Internet has facilitated an exploding multibillion dollar market for child pornography. Tragically, the demand for this criminal market can only be supplied by graphic new images, and these images can only be supplied through the sexual assault of more children.

This bill, like its House companion, H.R. 3845, that passed the House overwhelmingly last November, addresses an issue that is central to the goals and vision of Speaker NANCY PELOSI and the New Direction Congress, protecting our children.

The Internet is a truly wonderful tool. It has opened up the world for our children, but it has also opened up our children to the world.

A year ago, in June, I visited with a very special group of parents called the Surviving Parents Coalition, and I was not prepared for what they had to tell me. They shared with me their own horrific stories of how their children were abducted by sexual predators. As we all know, some of these children will never come home.

As the mother of three young children myself, their stories broke my heart. And as a Member of Congress, I felt compelled to act. What surprised me most about these brave parents was their message; they told me that if we wanted to prevent predators from hurting other children like theirs, that the way to do it is to go back through the Internet and get them.

A 2005 Justice Department study found that 80 percent of child pornography possessors have images and videos of children being sexually penetrated, another 21 percent possess images of bondage, sadistic abuse, and torture.

The children depicted in these photos are very young. There are even Web sites that provide live pay-per-view rates of very young children. These images are crime scene photos created by a thriving industry that uses children as sexual commodities.

Special Agent Flint Waters of the Wyoming State Police, a highly respected child exploitation investigator, testified at a Judiciary Committee hearing last year that there are nearly 500,000 identified individuals in the United States trafficking child pornography on the Internet. That's half a

million people right here in the United States. And law enforcement knows who they are and they know where they are. But what shocked me the most and what compelled me to get involved in this issue is that, due to a lack of resources, law enforcement is investigating less than 2 percent of these known 500,000 individuals. And make no mistake, law enforcement knows where they are, they just don't have the resources to go get them.

Even more shocking is that it is estimated that if we were to investigate these cases, we could actually rescue a child victim nearly 30 percent of the time.

□ 1745

Think about that. That means there are thousands of children out there in America just waiting to be rescued.

Alicia Kozakiewicz, whose testimony at last October's judiciary hearing moved all of us, is a living, breathing reminder of the lives that we can save. Alicia told us how over a period of months she was groomed by a 40-year-old predator pretending to be a teenage girl. When Alicia, who was 13 years old at the time, agreed to meet her cyber-friend in real life, he kidnapped her from her suburban Pittsburgh driveway and held her captive in his Virginia dungeon where he performed unspeakable sexual acts upon her day after day and broadcast it over the Internet. Just when Alicia told us that she had given up all hope, she was rescued by FBI agents.

The FBI found her because the Virginia Internet Crimes Against Children Task Force, or ICAC, had the technology to lift the digital fingerprints of this perpetrator's crimes and to discover the location where he had held her captive chained to the floor.

The PROTECT Our Children Act will help provide the safety net that we so desperately need by giving us the resources and the coordination we need to bring these predators to justice. It will create statutory authority for these highly successful ICAC Task Forces, which support State and local law enforcement agencies. It will supplement this new local effort with hundreds of new Federal agents who will be solely dedicated to crimes against children. It will also provide desperately needed forensic crime and computer labs so agents can uncover troves of electronic evidence, locate these perpetrators and bring them to justice.

At the October Judiciary Committee hearing, a representative from the FBI told us two things that boggled my mind: First, that the number of agents being exclusively assigned to these cases was actually shrinking, and second, that they are giving millions of dollars that Congress had appropriated to combat child pornography to programs that have nothing to do with child protection.

This bill will set us on a new course by creating a National Strategy for Child Exploitation Prevention. And although I preferred the special counsel provision in the House bill, I am proud to support this measure because this national strategy will ensure that the Federal Government's efforts in this era are no longer disjointed or haphazard. Instead, there will finally be a person in charge at the Department of Justice who will report to Congress and be responsible for real results.

I want to thank my House cosponsor, Ranking Member JOE BARTON, for his leadership, his concern, and his compassion for our children and their safety. And thank you, Senator BIDEN, for your capable staff and for your tireless work in the Senate. Your skilled negotiations helped us arrive at this moment. Thank you to NCMEC President Ernie Allen and my good friend and colleague from Houston, Congressman Nick Lampson, for your improvements to the bill with the SAFE Act. And honestly, thank you, Oprah Winfrey and all of your viewers for every letter, every telephone call, every fax and every e-mail. You helped break the Senate logjam and proved that Congress is responsive to the people.

Thank you, Erin Runnion, Ed Smart, Mary Kozakiewicz, names that are far too familiar to Americans because of the travesty that happened to their children, and to all the founding members of the Surviving Parents Coalition. When this bill got mired in petty partisan politics, they helped us remember what our effort was really about. It is about Samantha, it is about Elizabeth, and it is about Alicia. It is making sure we rescue every child we can and that we leave none behind. And thank you to Flint Waters for developing the software to locate predators and rescue children. Your work and the work of the ICAC Task Force agents across this country from Broward County, Florida to Wyoming, who wake up every morning, work long hours each day, only to go home at night knowing they don't have the resources or staffing power to rescue every child. The angst that must cause is unimaginable.

Last and certainly not least, I want to commend the inexhaustible determination of Grier Weeks, Camille Cooper, David Keith and all our friends with the National Association to PROTECT Children. They kept our noses to the grindstone and our eyes on the prize. And we would never be here without their effort. They have shown us what we can do when Congress comes together and puts partisan differences aside.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, credit goes to the gentlewoman from Florida, Congresswoman WASSERMAN SCHULTZ, for introducing this bill in the House and for advancing this piece of legislation to the point where we are considering it today.

Child pornography is a reprehensible, yet profitable, global criminal enterprise. And it is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. It is a despicable and vicious victimization of children.

The Internet is a virtual playground for sexual predators who satiate their desire for child pornography with relative anonymity. Law enforcement officials have identified nearly 500,000 individuals trafficking in child pornography over the Internet. However, due to the lack of resources at the Federal, State and local levels, law enforcement officials are able to investigate only about 2 percent of these child pornographers.

S. 1738, the Combating Child Exploitation Act of 2008, will assist law enforcement officials with apprehending these dangerous predators. This legislation combines two House bills, H.R. 3845, the PROTECT Our Children Act and H.R. 3791, the SAFE Act, both of which passed the House last year with overwhelming support.

This legislation establishes a national strategy for child exploitation prevention and interdiction and provides additional funding for the Internet Crimes Against Children Task Forces. These multi-jurisdictional task forces are on the front-lines of combating Internet child pornography. State and local agencies will now be given much-needed resources to combat this growing problem.

S. 1738 also provides critical funding to expand computer forensic capabilities for child exploitation cases at the Regional Computer Forensic Labs across the country.

Finally, title V of S. 1738, which incorporates the provisions of the SAFE Act, will strengthen the requirements on Internet service providers to report violations of child pornography laws. It also enhances the ability of the National Center for Missing and Exploited Children to collect and report suspected instances of child pornography to law enforcement agencies across America and around the world.

The Internet has become a magnet for child exploitation and child pornography. This legislation will help deter it.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to our friend, Nick Lampson, the gentleman from Texas, who has worked on this subject for many years. And I am happy to yield him as much time as he may consume.

Mr. LAMPSON. Thank you, Mr. Chairman, for allowing me to speak and also for the good work that has been done on this bill and everything that you and your committee has done.

Mr. Speaker, I do rise today to ask my colleagues to join me in voting for S. 1738. This bill would authorize funds for Federal grants and additional FBI agents to address the problem of online exploitation of children as well as to establish a new anti-child-exploitation

office at the Department of Justice as well. And this has been combined with the Securing Adolescents From Online-Exploitation Act of 2007.

The Lampson-Chabot bill, which passed this body last December, modernizes and expands the reporting requirements relating to child pornography and expands cooperation in combating child pornography. Last year I joined one of my cochairs on the Congressional Caucus on Missing and Exploited Children, Congressman Steve Chabot, in introducing the Securing Adolescents From Exploitation-Online, the SAFE Act of 2007.

The SAFE Act provides increased resources for law enforcement to capture, prosecute and incarcerate these criminals. By expanding the system to service providers to report child pornography found on their systems, we improve child safety and prevent future atrocities.

Currently Internet service providers are mandated to report child pornography to the National Center for Missing and Exploited Children. Under the SAFE Act, all electronic service communications providers and remote computing service providers will have to report child pornography. For knowingly and willingly not filing a report after being made aware of a child pornography image, these providers will be subject to increased fines of $150,000 per image per day for the first offense and up to $300,000 per day for any image found thereafter.

This bill will also increase the efficiency of the CyberTipline, making it a better investigative tool for law enforcement by mandating that all information submitted by providers is consistent. The process outlined in this bill keeps law enforcement officials in the loop by making information more readily accessible and requires providers to retain key data that law enforcement agencies can use to investigate and prosecute child predators.

Many of us have watched Dateline's popular series ''To Catch a Predator'' and know of organizations that actively look for Internet child predators. We need to become partners in this fight by talking to our kids about the dangers of strangers online and making Internet use a family activity. While parents should teach their children that the Internet offers many different types of resources, from entertainment to educational, it also poses many risks. Parents are the first line of defense against online predators, and the SAFE Act will reinforce their efforts.

Internet companies will need to do their part too. When we begin to hold Web sites accountable for the images that they host, we've taken the first step towards supporting parents in their efforts to protect children. Our combined efforts will help make the Internet a safer place.

I would like to extend a ''thank you'' to my colleague, Deborah Wasserman Schultz, for introducing the House-passed version of Senate bill 1738. I would also like to wish her a happy birthday. She has been a tireless advocate for additional funding for Internet Crimes Against Children Task Forces. I would also like to recognize my fellow caucus cochair, Steve Chabot, for championing this legislation on his side of the aisle and for helping to ensure that not only are Ohio's children protected, but all of America's children are. It is because of their persistent dedication to this cause that so many children and their parents will sleep more safely at night.

Again I call on my colleagues to support Senate bill 1738.

Mr. BARTON of Texas. Mr. Speaker, I stand today in support of the ''Protect our Children Act,'' a bill that will authorize funding for law enforcement and the Department of Justice to fight the sexual exploitation of children over the Internet.

This bill is the result of over two years of work in the House and the Senate on the issues relating to child sexual exploitation. When I was Chairman of the Energy and Commerce Committee, the Committee conducted a wide-ranging, comprehensive investigation of Internet child pornography. We had nine hearings and interviewed numerous witnesses involved in the fight against child sexual exploitation: Federal and local law enforcement, Federal and local prosecutors, victims, educators, Internet Service Providers, and financial institutions.

What we learned during that investigation was shocking. At that time, three million images of child pornography were on the Internet. Even more disturbing was that law enforcement officers told the Committee that the images were becoming increasingly violent in nature, and that the victims in the photos were getting younger, some as young as two years old.

The children shown in those images suffer unspeakable pain and suffering. While law enforcement is working to tackle the epidemic of abuse that existed on the Internet, it was clear to us on the Committee that they did not have the resources to win that fight because child predators were working just as diligently to continue flooding the Internet with images of child sexual abuse.

I am proud to be the lead cosponsor of the House version of this bill, H.R. 3845, with Congresswoman WASSERMAN-SCHULTZ. I would like to thank her for her leadership on this issue and her work to get this bill before us today before we adjourn. The Senate did make some changes to the bill we passed last November. While I wish this bill had increased the funding for the law enforcement agencies that work child pornography cases—as our House bill did—this bill provides law enforcement with tools it did not have before to fight those predators who seek to exploit and abuse children, often for their own financial gain.

The bill requires that the Department of Justice develop a national strategy for investigating and prosecuting child exploitation cases. A number of law enforcement agencies are involved in investigating these cases: the FBI, Immigration and Customs Enforcement, the Postal Service, and state law enforcement. With a national strategy, the Justice Department must make sure that this fight is a priority, and that everyone is on the same page so that valuable law enforcement resources are not wasted when pursuing these criminals.

A national strategy doesn't work, though, if you don't give law enforcement agents the resources they need. The Energy and Commerce Committee investigation found that just as important as the Federal law enforcement effort against child pornography is the effort of State and local law enforcement Internet Crimes Against Children, or ''ICAC'' task forces. The vast majority of child sexual exploitation cases are prosecuted at the state level, but the funding nowhere near matched the needs of these state task forces. By authorizing $60 million per year over the next five years, the Protect Our Children Act ensures that state ICAC agents will finally receive the support they need.

Another key problem identified in our investigation was that law enforcement's ability to find and prosecute those predators who create and distribute child pornography was held up by a backlog at forensic computer labs. This is unacceptable, when the price of that backlog is continued child abuse. We address that problem in this bill by authorizing $2 million per year over the next five years to increase the capacity of these labs.

The Protect Our Children Act also includes a few provisions that weren't part of our House bill, but I think they strengthen the bill and the ability of law enforcement to prosecute these cases. The bill makes it a crime to change a photo of a child to produce child pornography. In addition, the bill makes clear that it is a crime to transmit live, or streaming, images of child abuse over the Internet. I think these provisions are just common sense, and I am glad they are included in this bill.

The bill also clarifies the responsibilities of Internet Service Providers when it comes to reporting child abuse images to the National Center for Missing and Exploited Children. Current law requires that Internet Service Providers report to the National Center, but it wasn't clear what information should be reported. This bill sets out what must be included in the reports and what the providers are required to do. This will ensure that law enforcement will have all the evidence the providers have when they pursue child predators. I think this is important, because our investigation showed that Internet child pornography is not just a law enforcement problem. If we are to win the war against child sexual exploitation, everyone must do his part, and this includes the Internet Service Providers.

We are long overdue in authorizing the resources law enforcement needs to fight the battle against the sexual exploitation of children over the Internet. The children who have been abused by predators, and who have seen images of that abuse spread over the Internet, cannot wait one more day. We must ensure that the efforts of child predators are more than matched by an aggressive law enforcement strategy to bring these criminals to justice. Our children deserve nothing less. I urge my colleagues to support the Protect Our Children Act.

Mr. CHABOT. Mr. Speaker, I rise in strong support of 1738, the PROTECT Act, and in particular those provisions taken from the Securing Adolescents From Exploitation-Online Act of 2107, which passed the House last December. I would like to acknowledge the efforts of the author of the SAFE Act, the distinguished gentleman from Texas, Mr. LAMPSON.

He and I have worked closely on several bills to strengthen our child protection laws.

We don't have to look any farther than our homes and communities to see that predators are threatening and victimizing our children with one simple click. The Internet, while providing a world of opportunity to our children, has also contributed to a worldwide expansion of child pornography—enabling online predators to more easily abuse, exploit, and prey on our children.

S. 1738 recognizes that a comprehensive strategy, one that mobilizes the resources of the community as well as local, state, and federal law enforcement, is necessary to crack down on these criminals. Moreover, S. 1738 recognizes that by building on the investigative tools already in place under the leadership of the National Center for Missing and Exploited Children, law enforcement officials and the public can provide and receive valuable information needed for ongoing investigations.

I would like to thank my colleagues in both the House and Senate for recognizing that our laws and resources need to stay current with the advances made in technology. Predators know no boundaries and have used technology to their advantage. The PROTECT Act recognizes that a more comprehensive approach is needed to ensure that investigators and prosecutors have the tools to stay one click ahead of these criminals.

I urge my colleagues to support passage of S. 1738.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers on this bill, and I will yield back the balance of my time.

Mr. CONYERS. I yield back the remaining time on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 1738.

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

A motion to reconsider was laid on the table.

DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3598) to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3598

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 ''Drug Trafficking Vessel Interdiction Act of 2008''.

TITLE I—CRIMINAL PROHIBITION

SEC. 101. FINDINGS AND DECLARATIONS.

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates trans-national crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

SEC. 102. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2285. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

''(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

''(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

''(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(2) flying its nation's ensign or flag; or

''(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(e) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

''(f) FEDERAL ACTIVITIES EXCEPTED.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

''(h) DEFINITIONS.—In this section, the terms 'submersible vessel', 'semi-submersible vessel', 'vessel of the United States', and 'vessel without nationality' have the meaning given those terms in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

''2285. Operation of submersible vessel or semi-submersible vessel without nationality''.

SEC. 103. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—CIVIL PROHIBITION

SEC. 201. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''that''; and

(2) by striking ''States.'' and inserting ''States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.''.

SEC. 202. OPERATION PROHIBITED.

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality

''(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) DEFENSES.—

''(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.

''(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than $1,000,000.''

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

''70508. Operation of submersible vessel or semi-submersible vessel without nationality''.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting ''or 70508'' after ''70503''.

(3) Section 70505 of title 46, United States Code, is amended by striking ''this title'' and inserting ''this title, or against whom a civil enforcement proceeding is brought under section 70508,''.

SEC. 203. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

''(1) SEMI-SUBMERSIBLE VESSEL.—The term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

''(2) SUBMERSIBLE VESSEL.—The term 'submersible vessel' means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, the House has passed previously virtually identical legislation, and accordingly I will place my statement in the RECORD at this time.

Mr. Speaker, this bill addresses the growing national security threat of illicit self-propelled submersible vessels. It makes operation of one of these vessels with intent to avoid detection a felony, as well as subject to civil fines.

In July, the House passed the part of this bill creating the felony. This Senate version adds the civil penalty, to provide even greater deterrence.

Smugglers are operating these vessels with increasing frequency, knowing that there is no effective deterrent. They are designed so that the crew members can readily sink them within scant minutes of being spotted, thereby making efforts by authorities to intercept them exceedingly difficult and highly risky.

And smugglers using these vessels are becoming increasingly violent. Two weeks ago, a cocaine smuggler attempted to kill Coast Guard officers who had boarded his vessel in the dark in the Pacific ocean.

This extreme risk to our brave Coast Guard officers would not have been necessary if operating that vessel in this evasive manner were itself a crime.

I commend the sponsor of the House bill, DAN LUNGREN of California, for his leadership on this initiative.

I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my colleague on the Judiciary Committee, a senior member of the Judiciary Committee, a senior member of the Homeland Security Committee as well, the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, this is a bill which Congressman POE and I have worked on to address a serious problem relating to the use of submersible and semi-submersible vessels to transport drugs, people and potentially weapons of mass destruction which pose a threat to our communities and our cities. The drug dealers are always ingenious in their activities to try and inject into the veins of our children the terrible illicit drugs that are there. With respect to those who are in Central and South America, because of the various efforts made by good men and women working in law enforcement in this country, as well as those in our military organizations, they have been forced, that is, the drug dealers, have been forced to find new ways to try and bring this poison to our shores.

That is what we're dealing with here today. The language in the bill before us reflects the hard work of Senator LAUTENBERG, and it is also similar to legislation which was introduced by Senator BIDEN. I would like to take this opportunity to commend Chairman CONYERS who has played a critical role in the development of this legislation. And I add that without the hard work of his counsel and the hours put into this important bill by Carolyn Lynch on our staff, we would not be here today.

Let me point out that it is probably not an exaggeration to suggest that this is noncontroversial legislation. I don't know why anybody, a single vote, would be against it. It has, in slightly different iterations, already passed this body on two prior occasions. It passed this body by a vote of 408–1 as an amendment to the Coast Guard authorization, and it passed on suspension this past July 29 by a voice vote.

What are these things? Well you're going to hear it, and you're going to see some pictures presented to you by Congressman TED POE from Texas. Let me just try to describe what it is that we are talking about.

Semi-submersibles add a new dimension to the notion of ''submarine warfare.''

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These vessels are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water. Therefore, they are extremely difficult to spot when they are out there in the vastness of the ocean. They are built for stealth, designed to be rapidly scuttled, typically less than 100 feet in length, and usually carrying

5 to 6 tons of illicit cargo. They are stateless, that is, they carry the flag of no country, and they have no legitimate use.

Although semi-submersibles are being used to evade detection and prosecution for drug traffic, my own interest in this issue is a much broader one. The potential that someone might seek to import a weapon of mass destruction into the United States is perhaps of the greatest concern for us and why we need an aggressive response to alter the calculus of deterrence with respect to the use of these vehicles.

It is absolutely critical that our prosecutors be equipped with the tools necessary to adapt to this new challenge facing law enforcement authorities. As was the case in previous House versions of the bill approved by this body, the proposal before us provides for criminal fines and up to 15 years imprisonment. Furthermore, a new title of the bill added in the Senate provides prosecutors with the additional option of seeking civil penalties of up to $1 million for violations of the new law.

Since we last visited this legislation on July 29, we have further evidence of why it is so necessary. In the last 2 weeks alone, the Coast Guard has seized two semi-submersible vehicles containing a total of 14 tons of cocaine. Ominously, they found the vessels seized on September 13th to be the most sophisticated of their type ever detected, with electronic propulsion and steering, and exhaust systems more advanced than earlier models. In terms of the larger picture, we have witnessed 62 such seizures this year.

Why do we need this legislation? Why did the Coast Guard ask us for it? Simply put, it is this: These are made to be scuttled easily. In other words, when they are detected by the Coast Guard and the United States Navy, sometimes hundreds of miles offshore, when they are identified, when they are seen, they are scuttled, meaning that they intentionally attempt to sink their own vehicles. Why? Because then we can't have the evidence of the illicit cargo that they hold. And as they do that, the two, three, four or five people aboard, the personnel aboard these crafts jump into the water, and then we have to rescue them. So our law enforcement and our Navy then is in the position of rescuing the very people who are attempting to bring this poison into our country, and we obviously do that, but then we can't prosecute them.

The SPEAKER pro tempore (Mr. CHILDERS). The gentleman's time has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman from California 1 additional minute.

Mr. DANIEL E. LUNGREN of California. This law would simply make it illegal to operate one of these vessels if it is unflagged, because there is no other purpose for it than to try and put a dagger to the hearts of our young people in this country by bringing this illicit drug trade here.

Additionally, those concerned about illegal aliens entering this country, this is also a means of doing that. But, most importantly and most directly, I would say, think of the consequences of someone introducing a weapon of mass destruction into this country. This is a readily available vehicle to do that.

We need this legislation. I would hope that we would have a unanimous vote for it.

I thank the gentleman from Texas for allowing me this time, and I hope everybody understands how important and how timely this is.

Mr. SMITH of Texas. Mr. Speaker, I want to thank again the gentleman from California (Mr. LUNGREN), as well as my colleague from Texas (Mr. POE), for championing this issue.

I now yield 4 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the gentleman from Texas for yielding, the ranking member, and I also want to thank the chairman of this committee for bringing this legislation before the House, and, of course, my friend from California, the former Attorney General, Mr. LUNGREN, for his passion about this issue.

As a former judge and prosecutor down in Texas, I don't like drug dealers, and we see the effect of them throughout the United States.

This submersible vessel, this submarine we are talking about, Mr. Speaker, here is a photograph of it right here. It is 100 feet long. It is made out of fiberglass. It has stealth technology, so it is hard to be detected. It is built so it goes barely below the surface. It travels at a very low rate of speed so it cannot be detected by its wake. And they are made in the jungles of Colombia.

What they do, they float these down the rivers in flood season to the Pacific Ocean, and then this vessel is on its way. Mr. Speaker, it can go all the way to the United States without refueling. It takes several tons of cocaine with it, coming to the United States, bringing that cancer for the profit of the Colombian drug dealers.

What happens is our Navy and other navies, even the Mexican Navy, the Colombian Navy, they have seen these things on the high seas. They carry no flag. They claim no nation. What happens when they are encountered by the Navy or the Coast Guard, the five or six crew members, they jump out the hatch over here and scuttle the submarine so all the dope goes to the bottom of the ocean.

There have been two circumstances when the drug dealers that were on these submarines weren't quick enough. The Navy, the Coast Guard, got there quick enough to take some of the cocaine off, and they are being prosecuted in Florida as we speak. But most of the time they scuttle it, we capture, but really end up rescuing the crew, and then rather than put them in jail, we have got to take them home where they came from and let them go, because it is no crime to possess one of these subs on the high seas.

This legislation makes it a Federal offense to have one of these subs with no flag and sailing on the high seas. When the crew is captured, they could be prosecuted in our Federal courts and go to the penitentiary where they belong.

The U.S. Coast Guard tells us that at any given time, there are 100 of these things on the high seas, all coming to the United States bringing drugs.

As my good friend Mr. LUNGREN from California has pointed out, that is not just the problem, because they are so shallow, because they are hard to detect, these things can bring in weapons of mass destruction, explosives, and work their way up the riverways of our Nation, going to our ports, like the Port of Houston and some of these other ports, and cause tremendous damage. We want to capture these people on the high seas before they get that opportunity.

Some have said, why don't we just shoot them out of the water as soon as we see them? I guess we are too civilized for that. We want to prosecute them instead.

This is important legislation. It will help our law enforcement guys, the Navy and U.S. Coast Guard, who are doing a tremendous job already in tracking these people, with cooperation from other navies throughout the world. It is time that we make this legislation law.

Mr. SMITH of Texas. Mr. Speaker, I want to thank the gentleman from Texas again for his efforts on this legislation.

Mr. Speaker, as we stand here today, dangerous drug traffickers are surreptitiously moving tons of cocaine across our oceans and into America. Cocaine traffickers operate with stealth and are virtually undetectable thanks to their use of self-propelled submersible and semi- submersible vessels or SPSS.

These submarine-like vessels have unusual construction. They are typically less than 100 feet long with most of their bulk under water. They can carry up to five crew and as much as 12 metric tons of cocaine from the north coast of South America to the southeastern United States without refueling.

The U.S. Coast Guard has successfully apprehended two SPSS vessels in just the last few weeks. One carried seven tons of cocaine with a street value of $187 million. The second vessel seized was carrying 295 bales of cocaine.

However, under current law, it is not illegal to operate one of these vessels. Therefore, in order to successfully prosecute these criminals, the Coast Guard must obtain evidence of drug trafficking or other illicit conduct—a dangerous proposition on the high seas.

Coast Guard teams must physically board the SPSS, often in the dead of night, while it is travelling at up to ten knots. The teams must then risk their lives to apprehend the traffickers and seize the drugs aboard the SPSS.

And the drug traffickers know the law. They know that the Coast Guard must obtain evidence of drugs so they will often scuttle the

vessel and jump overboard—turning a criminal apprehension into a rescue mission.

This legislation removes this dangerous hurdle. By prohibiting the possession of SPSS vessels without nationality, we protect the safety of these Coast Guard teams while ensuring swift prosecution of the cocaine traffickers.

I wish to commend my colleagues, Mr. LUNGREN and Mr. POE, for championing this important issue.

I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3598.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROTECTING COURT OFFICIALS OFF SUPREME COURT GROUNDS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3296) to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3296

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

SECTION 1. UNITED STATES SUPREME COURT POLICE AND COUNSELOR TO THE CHIEF JUSTICE.

(a) EXTENSION OF AUTHORITY OF THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.—Section 6121(b)(2) of title 40, United States Code, is amended by striking ''2008'' and inserting ''2013''.

(b) COUNSELOR TO THE CHIEF JUSTICE.—

(1) OFFICE OF FEDERAL JUDICIAL ADMINISTRATION.—Section 133(b)(2) of title 28, United States Code, is amended by striking ''administrative assistant'' and inserting ''Counselor''.

(2) JUDICIAL OFFICIAL.—Section 376(a) of title 28, United States Code, is amended—

(A) in paragraph (1)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''; and

(B) in paragraph (2)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''.

(3) ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE.—

(A) IN GENERAL.—Section 677 of title 28, United States Code, is amended—

(i) in the section heading, by striking ''**Administrative Assistant**'' and inserting ''**Counselor**'';

(ii) in subsection (a)—

(I) in the first sentence, by striking ''an Administrative Assistant'' and inserting ''a Counselor''; and

(II) in the second and third sentences, by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''; and

(iii) in subsections (b) and (c), by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 28, United States Code, is amended by striking the item relating to section 677 and inserting the following:

''677. Counselor to the Chief Justice.''.

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, in this case, the title accurately describes the contents of the bill. It attempts and proposes to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court grounds and changes the title of the Administrative Assistant to the Chief Justice.

Congress has given the Supreme Court Police statutory recognition since 1982, with authority to patrol the Supreme Court buildings and grounds, make arrests, carry firearms, and protect the Chief Justice, any Associate Justice, official guests, and employees of the Court while performing official duties.

The Supreme Court Police are also authorized to protect the Justices and employees of the Court while they are away from the Court building, anywhere in the United States. We have extended this authority on several occasions, and this bill does so again, so that it will not expire at the end of this year.

I urge my colleagues to support this legislation, so that the Supreme Court Police can continue to perform their critical mission effectively.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is very similar to the legislation we passed in the House a week ago, H.R. 6855.

The bill addresses an issue affecting the safety of the Justices and other officials who work at the United States Supreme Court.

First, the legislation extends the authority of the U.S. Supreme Court Police to protect Court officials off the Supreme Court grounds through 2013. The current authorization expires on December 29, 2008.

This provision is necessary and noncontroversial. Congress created the original authority in 1982 and has renewed it regularly. The last authorization was 4 years ago.

Failure to extend the authority places the Justices and other Supreme Court employees and officers at risk. In light of heightened security threats, it is vital that the Supreme Court Police be empowered to carry out this service without interruption. In fact, Justice Souter was attacked off grounds while jogging in May 2004, the same year we last extended the authority.

As with previous authorizations, it is contemplated that the authority extends to the immediate area in the District and surrounding environs. The Marshall Service would provide protection to the Justices when they speak or travel out of the D.C.-Virginia-Maryland metropolitan region.

Finally, the legislation prohibits Federal judges from accepting honorary memberships to clubs that are valued in excess of $50. The last item is the only distinction between S. 3296 and the House bill.

Mr. Speaker, S. 3296 acknowledges an unfortunate but realistic problem: sometimes the Justices must be protected off Supreme Court grounds. This is a legislative exercise that the Congress has regularly undertaken on behalf of the Court since 1982.

I urge the Members to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 3296, a bill to extend the authority of the United States Supreme Court Police to protect court officials of the Supreme Court grounds and change the title of the Administrative Assistant to the Chief Justice. This bill makes sense and it should be supported. I urge my colleagues to support this very important bill.

Four years ago, Supreme Court Justice David Souter was assaulted by two men while jogging near his home. While this attack was deemed only a random assault, this should serve as a wake-up call for us all. The Supreme Court, like the Office of the President, is more important than the person serving in the position. Protecting them, isn't just about protecting the person, it's about protecting the sanctity of the court.

Edmund Burke said that "Good order is the foundation of all things." To keep this order, we much protect those who provide that order. As this country becomes more and more partisan, we risk that the more extreme factors in our society will lash out and circumvent the system by focusing their anger at the officers of the court. Already the court is coming under increased attack from both sides of the aisle as being "activist."

This bill does something fundamental for the American way of life, it protects it. The legacy

of all those who came before us depends on making sure that those who come after can do the job duty requires. Nothing is more fundamentally American than protecting those who protect our rights.

Mr. Speaker, I ask that we pass this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3296.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DEBBIE SMITH REAUTHORIZATION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Debbie Smith Reauthorization Act of 2008''.

SEC. 2. GENERAL REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

''(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).''; and

(2) by amending subsection (j) to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) $151,000,000 for each of fiscal years 2009 through 2014.''.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his extraordinary leadership on so many important issues before this body, including the Debbie Smith Act, which I rise today in strong support of, H.R. 5057, the Debbie Smith Reauthorization Act that I introduced to ensure that the nationwide backlog of DNA evidence is processed.

I want to thank the bill's supporters in the Senate, especially Senators BIDEN, LEAHY, KYL and SPECTER, for their assistance in getting this legislation through the Senate and back to the House before we adjourn.

I also want to commend Chairman CONYERS for his leadership, Ranking Member SMITH, Chairman SCOTT and Ranking Member GOHMERT, along with ANTHONY WEINER and so many of my colleagues for their support and commitment to this issue.

Advocates have called the Debbie Smith Act one of the most important anti-crime bills that has ever passed Congress and one of the most important anti-violence against women and anti-rape pieces of legislation ever.

I first introduced the grant program in 2001 after a rape victim whose attacker was later identified through DNA analysis testified before a hearing in Congress. The long, bipartisan effort to pass the original legislation was made into a Lifetime movie entitled ''A Life Interrupted: The Debbie Smith Story.'' I thank Lifetime and Oprah for having championed the passage of this important legislation.

I have been working on this issue since 2001, when I organized a hearing in the Government Reform and Oversight Committee to examine the use of DNA to both convict and to exonerate. We reached out to many victims to testify. Only one would come before Congress, Debbie Smith.

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She told her horrifying story, how an intruder broke into her suburban home in Williamsburg, Virginia, in 1989 and raped her repeatedly in nearby woods while her police officer husband slept upstairs. He rushed her to the police station. DNA was taken, but in many ways her life was destroyed, as she believed he would come back as he said he would and kill her if she had told anybody what happened.

Six years later, after an assailant was charged with her rape, because DNA processing techniques had produced a cold hit with a State prisoner's DNA sample, that match gave Debbie her first moment of closure and security. Since then, Debbie and her husband, Robert, have lobbied Congress, traveled the country and started a not-for-profit to help victims of rape.

It was unconscionable that hundreds of thousands of rape kits with DNA evidence already collected were gathering dust in police stations and crime labs all over this country, and it is still unconscionable that according to the U.S. Department of Justice, there are over 221,000 untested rape kits on shelves and evidence cabinets in States across our country.

It was for Debbie and rape survivors like her that in 2001 I authored the Debbie Smith Act to provide Federal funding to process the backlog of DNA evidence. The bill helped standardize the evidence collection of kits for sexual assaults, making it easier to enter the information into State and national databases.

It also helped forensic labs process the data evidence and compare the DNA samples with those taken from criminals. It funded the SANE nurse program that taught them how to process and maintain the information and to go into court to help the police with convictions. The law also allows law enforcement greater leeway to indict John Doe or an unnamed individual using their DNA profile.

The Justice for All Act accomplished several critical objectives, including authorizing the necessary funding, $151 million in each fiscal year from 2005 through 2009, to process the backlog of DNA evidence through the creation of the State grant program.

Since 2004, millions of dollars in funding have been appropriated to States across our country to attack this backlog grant program. Each unprocessed kit represents an innocent life like Debbie Smith, and a rapist who may commit multiple rapes before he is caught.

The FBI has characterized rape as the worst crime, preceded only by murder in terms of the destruction to one's life. They have said that a rapist, a sick person, will attack seven times. So at least, if you process these kits, you can put people in jail and prevent innocent victims from having the horror in their lives that Debbie experienced.

The Debbie Smith Reauthorization Act extends the program through 2014 and also reauthorizes programs for training, education and sexual assault forensic exam grants.

DNA is remarkable evidence. It doesn't forget, it can't be confused, it is not intimidated, and it does not lie.

While an eyewitness can easily get mixed up about height, weight, hair color, DNA never changes its story.

Debbie's bravery and dedication and working with me and others to pass the Debbie Smith Act, which was a very difficult thing to accomplish, has already made a tremendous impact on our justice system.

I also want to acknowledge the RAINN program for its steadfast support of the Debbie Smith Reauthorization Act and for its efforts on behalf of sexual assault victims and survivors. Tragically, only 6 percent of rapists will ever spend any time in jail. Congress must continue to support programs like the Debbie Smith DNA Backlog Grant Program and help to put to rapists in prison, reduce the violence against women and solve other violent crimes.

I urge my colleagues to join me in important bipartisan, hopefully unanimous support for this reauthorization.

Mr. SMITH of Texas. Mr. Speaker, I strongly support this legislation, and I want to give credit to the gentlewoman from New York, Congresswoman MALONEY, for taking the initiative for introducing this legislation and for advancing it to the point where we are considering it here tonight.

Mr. Speaker, this is the second time that the House has considered this bill. The House passed an earlier version last July. The Senate recently passed this more streamlined version of H.R. 5057, which I hope our colleagues will support once again.

As Ranking Member of the Judiciary Committee, I joined Chairman CONYERS as an original co-sponsor of this legislation, which was introduced by Congresswoman CAROLYN MALONEY.

This bill reauthorizes a tremendously important program: the Debbie Smith DNA Backlog Elimination Grant Program. H.R. 5057 reauthorizes the grant program through fiscal year 2014 at $151 million per year.

The Debbie Smith Program provides grants to state and local governments to reduce the DNA backlog of samples collected and entered into the national DNA database. The program, originally authorized in 2000, expires at the end of fiscal year 2009.

DNA has become an invaluable tool in identifying and convicting criminal suspects. At the same time, the increased use of DNA evidence in criminal prosecutions has also increased DNA collection and processing requests. The result is a substantial backlog in processing DNA evidence across the country.

Since 2000, DNA backlog grants live assisted state and local governments with the collection Of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The backlog grants have also funded the testing of approximately 104,000 DNA cases between 2004 and 2007.

While the Debbie Smith program has been successful in reducing the backlog, there is still work to do. A 2003 Department of Justice report indicated that a backlog existed of 48,000 DNA samples. The current backlog is expected to be just as high.

Congress has a responsibility to assist states with investigating, prosecuting and punishing criminals and to provide justice for victims. The Debbie Smith Reauthorization Act protects victims by providing Federal funding to process the DNA evidence needed to take violent criminals off the streets.

I urge my colleagues to join me in supporting this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5057, the ''Debbie Smith Reauthorization Act of 2008'' (reauthorizing Title II of P.L. 108–405). This Act authorizes funding to eliminate the large backlogs of DNA crime scene samples awaiting testing in State forensic labs. I am in support of this bill.

In recent years, law enforcement agencies have realized the critical value that DNA evidence has in quickly solving cases. Often, a DNA sample result can scientifically link a perpetrator to a crime or prove a defendant's innocence with virtual certainty. Many of the Nation's Federal and State criminal forensics laboratories currently are overwhelmed with innumerable samples awaiting DNA analysis.

Named for Debbie Smith, who was kidnapped in her Virginia home and raped in nearby woods by a stranger, the Debbie Smith DNA Backlog Grant Program authorized grant money to states to collect samples from crime seems and convicted persons, conduct DNA analyses, and enter these results into a comprehensive national database. Debbie Smith's attacker remained unidentified for over six years, until a DNA sample collected from a convicted person serving time in a Virginia State prison revealed his involvement in her rape. Although eventually identified, the six years between crime and identification allowed Ms. Smith's attacker to engage in more criminal activity.

Re-authorization of the Debbie Smith DNA Backlog Grant Program will help law enforcement throughout the Nation. It will facilitate the development of a comprehensive national data base against which samples from current crime scenes can be compared. It will allow laboratories to reduce the currently unacceptable delays in processing DNA samples. Finally, it will provide law enforcement and prosecutors strong tools to quickly identify and prosecute criminals, minimizing the costs of investigation and prosecution, the possibility of prosecuting the wrong person and the possibility of future heinous crimes.

Recognizing that the backlog of biological evidence that had to be entered in State databases was preventing law enforcement officials from solving many of the Nation's most heinous crimes, like the tragedy that befell Debbie Smith, Congress passed the DNA ''Analysis Backlog Elimination Act of 2000'' (P.L. 106–546). The bill authorized the Attorney General to make grants to eligible States to collect DNA samples from convicted individuals and crime scenes for inclusion in the Federal DNA database, Combined DNA Index System (CODIS), and to increase the capacity of State crime laboratories. The Act required the Bureau of Prisons and the military to collect DNA samples from convicted individuals and forward these samples for analysis, and required the FBI to expand its CODIS database to include the analyses of these DNA samples.

The Act also amended the criminal code to require all defendants on probation or supervised release to cooperate with the collection of a DNA sample. The Act expressed the sense of Congress that State grants should be conditioned upon the State's agreement to ensure post-conviction DNA testing in appropriate cases; and that Congress should work with the States to improve the quality of legal representation in capital cases. Finally, the Act authorized an unspecified amount of appropriations to the Attorney General to carry out the Act.

In 2004, DNA backlog elimination was incorporated into the Justice for Act of 2004'', P.L. 108–405 and was renamed the Debbie Smith DNA Backlog Grant Program, which became Title II of P.L. 108–405. While the Act authorized $151 million for each fiscal year 2005–2009, Congress did not appropriate any money until FY 2008, at which time it appropriated $147–4 million.

The Debbie Smith DNA Backlog Grant Program expires at the end of FY 2009. H.R. 5057, the ''Debbie Smith Reauthorization Act,'' which has strong bipartisan support, would renew the law and authorize $151 million for each fiscal year 2009–2014. H.R. 5057 specifies that not less than 40% of the total amount awarded in grants must be used for DNA analyses of samples from crime scenes, rape kits and other sexual assault evidence, and in cases that do not have an identified suspect.

AMENDMENT

While I support this legislation, I offered an amendment that was accepted and reported out of the House. However, now that the bill has returned from the Senate, the bill is before the House again without my original amendment. My amendment required the Attorney General to evaluate the integrity and security of DNA collection and storage practices and procedures at a sample of crime laboratories throughout the country to determine the extent to which DNA samples are tampered with or are otherwise contaminated in such laboratories. The sample should be a representative sample and should include at least one lab from each State. My amendment required the Attorney General to conduct this evaluation annually and the Attorney General should be required to submit the evaluation to Congress. This amendment was necessary and critically important.

A district attorney in Harris County, Texas used evidence to wrongfully convict persons based upon faulty evidence. An investigation into the Houston Police Department's crime lab revealed that bad management, undertrained staff, false documentation, and inaccurate work cast doubt on thousands of DNA based convictions. Investigators raised serious questions about the reliability of evidence in hundreds cases they investigated and asked for further independent scrutiny and new testing to determine the extent to which individuals were wrongly convicted with faulty evidence.

My amendment would have ensured that Congress will exercise some oversight of the program. It ensured the integrity and security of the DNA collection and storage and procedures. It was my hope that my amendment would minimize wrongful convictions and would make the DNA storage and collection process more reliable.

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

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5057.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MILITARY PERSONNEL CITIZENSHIP PROCESSING ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2840) to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2840

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 ''Military Personnel Citizenship Processing Act''.

SEC. 2. OFFICE OF THE FBI LIAISON.

(a) ESTABLISHMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended by adding at the end the following:

''(g) OFFICE OF THE FBI LIAISON.—

''(1) IN GENERAL.—There shall be an Office of the FBI Liaison in the Department of Homeland Security.

''(2) FUNCTIONS.—The Office of the FBI Liaison shall monitor the progress of the functions of the Federal Bureau of Investigation in the naturalization process to assist in the expeditious completion of all such functions pertaining to naturalization applications filed by, or on behalf of—

''(A) current or former members of the Armed Forces under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440);

''(B) current spouses of United States citizens who are currently serving on active duty in the Armed Forces, who qualify for naturalization under section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)), and surviving spouses and children who qualify for naturalization under section 319(d) of such Act; or

''(C) a deceased individual who is eligible for posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall promulgate rules to carry out the amendment made by subsection (a).

SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING NATURALIZATION APPLICATIONS FILED BY CURRENT OR FORMER MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

''(g) Not later than 6 months after receiving an application for naturalization filed by a current member of the Armed Forces under subsection (a), section 329(a), or section 329A, by the spouse of such member under section 319(b), or by a surviving spouse or child under section 319(d), United States Citizenship and Immigration Services shall—

''(1) process and adjudicate the application, including completing all required background checks to the satisfaction of the Secretary of Homeland Security ; or

''(2) provide the applicant with—

''(A) an explanation for its inability to meet the processing and adjudication deadline under this subsection; and

''(B) an estimate of the date by which the application will be processed and adjudicated.

''(h) The Director of United States Citizenship and Immigration Services shall submit an annual report to the Subcommittee on Immigration, Border Security, and Refugees and the Subcommittee on Homeland Security of the Senate and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on Homeland Security of the House of Representatives that identifies every application filed under subsection (a), subsection (b) or (d) of section 319, section 329(a), or section 329A that is not processed and adjudicated within 1 year after it was filed due to delays in conducting required background checks.''.

(b) GAO REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of a study regarding the average length of time taken by United States Citizenship and Immigration Services to process and adjudicate applications for naturalization filed by members of the Armed Forces, deceased members of the Armed Forces, and their spouses and children.

SEC. 4. SUNSET PROVISION.

This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, foreign-born soldiers serving in our Armed Forces are eligible for expedited U.S. citizenship, yet they often face delays in the processing of the FBI background check required for naturalization.

S. 2840 would address this backlog by creating an Office of the FBI Liaison within the Department of Homeland Security. This office will help expedite the processing of naturalization applications filed by soldiers, veterans, and spouses and children of active duty soldiers.

The bill requires DHS to adjudicate these naturalization applications within six months, or to inform the applicants of the reasons for the delay and provide them with an estimated date of completion.

It promotes accountability by having the United States Citizenship and Immigration Service (USCIS) report annually to Congress on how many of these naturalization applications that remain pending a year after filing due to delays in background checks.

Approximately 45,000 lawful permanent residents are currently serving in our Armed Forces. More than 13,000 non-citizen military have applied for U.S. citizenship since 2002.

S. 2480 is a good measure that will help ensure that our soldiers and veterans do not face unreasonable hurdles to U.S. citizenship.

I urge my colleagues to support the bill.

Mr. Speaker, I yield to the gentleman from Texas, Mr. Ciro Rodriguez, as much time as he may consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman, and thank you, Mr. SMITH.

Mr. Speaker, I rise in Senate bill 2840, the Military Personnel Citizenship Processing Act, sponsored by Senator CHUCK SCHUMER of New York. I was a sponsor on the House side. Senate bill 2840 would address the growing backlog of citizenship applications of those men and women that are serving our country and happen to be foreign born.

This bill addresses some of the hold-ups with the FBI backgrounds, not only for the soldiers, sailors and airmen, but also ensuring that dialogue occurs also with the Department of Defense and the military in the applications.

It creates an office of FBI liaison with DHS and monitors the communication gaps that exist between them at the present time. This bill further requires that the agencies send notice out to the military applicants explaining the delay and estimating the date of completion for any application pending over 6 months.

This bill works in harmony with the recently passed Kendell Frederick Act. While the Kendell Frederick Act will ensure prompt processing of biometric data and timely adjudication after the FBI background checks are completed, S. 2840 will ensure that the background checks themselves are done expeditiously.

Taken together, this bill will be a one-two punch that's required and needed in order for our military servicemen to be able to move forward and become citizens.

Some 7,500 military applications are presently pending with citizenship and immigration services. These men and women represent the best of America, and they unquestionably deserve and are owed the full rights of every citizen in this country.

The provisions on this bill allow it to hopefully expedite this to occur.

Mr. SMITH of Texas. Mr. Speaker, I would like to associate myself with the remarks made by my Texas colleague, Mr. RODRIGUEZ.

Mr. Speaker, the Military Personnel Citizenship Processing Act creates an Office of the

FBI Liaison within U.S. Citizenship and Immigration Services (USCIS). This office will monitor the progress of naturalization applications filed by veterans and military personnel.

It will also monitor the progress of naturalization applications filed by spouses of active duty soldiers stationed abroad. And the Liaison Office will track the naturalization process for the soldiers and their spouses and children who are eligible for citizenship under the provisions that grant posthumous citizenship to military personnel who die in service to the country.

The intent behind the establishment of this Liaison Office is to address the delays that often occur in the processing of the necessary background checks for these categories of applicants.

The haste under which this bill was added to the suspension calendar precludes any meaningful assessment of the need for such an office. However, I do not object to measures that facilitate the processing of naturalization applications of those who have honorably served our country or their spouses and children.

This bill also requires USCIS to make a decision on these applications within 6 months of filing or, in circumstances in which that is not possible, to provide the reasons why. This is not an onerous burden since USCIS will still have the flexibility needed to be sure that all required security checks and eligibility criteria are met before granting citizenship.

In this Congress, we have already passed legislation to ease the processing of naturalization applications for our soldiers. The Kendall Frederick Citizenship Assistance Act became law on June 26th of this year. That law permits soldiers to use the fingerprints they provided at the time of enlistment for their background checks.

That law also requires the Secretary of Homeland Security and the Director of the FBI to take steps to ensure that soldiers' naturalization applications are adjudicated within 180 days after the background checks have been completed. This bill furthers those goals.

The bill provides, but does not require, an earlier target date of 6 months after the filing of the application. But in cases in which that time frame cannot be met—even with the new FBI liaison office created under this bill—USCIS will need to explain why.

I have no objection to these measures, which are intended to ensure the timely adjudication of naturalization applications filed by those who have served our Nation, and urge my colleagues to support the bill.

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

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from California, ZOE LOFGREN, as much time as she may need.

Ms. ZOE LOFGREN of California. I would certainly like to commend Congressman RODRIGUEZ and Senator SCHUMER. This is a measure that I support.

Mr. Speaker, I would just like to note there is another measure that we have marked up in the Judiciary Committee that would broadly assist our American soldiers and their families. I hope that in the same spirit of collaboration we see this evening, we will be able to achieve that wonderful advance for the fathers, mothers, wives, spouses, and sons and daughters of our brave American soldiers.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 2840.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROHIBITING RECOGNITION AND ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6146) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6146

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

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The first amendment of the Constitution of the United States prohibits the abridgment of freedom of speech.

(2) Freedom of speech is fundamental to the values of American democracy.

(3) In light of the constitutional protection our Nation affords to freedom of speech, the Supreme Court has modified the elements of the common law tort of defamation to provide more protection for defendants than would be available at common law, including providing special protections for political speech.

(4) The courts of other countries, including those that otherwise share our Nation's common law and due process traditions, are not constrained by the first amendment and thus may provide less protection to defamation defendants than our Constitution requires.

(5) While our Nation's courts will generally enforce foreign judgments as a matter of comity, comity does not require that courts enforce foreign judgments that are repugnant to our Nation's fundamental constitutional values, in particular its strong protection of the right to freedom of speech.

(6) Our Nation's courts should only enforce foreign judgments as a matter of comity when such foreign judgments are consistent with the right to freedom of speech.

(b) PURPOSE.—The purpose of this Act is to protect the right to freedom of speech under the first amendment to the Constitution of the United States from the potentially weakening effects of foreign judgments concerning defamation.

SEC. 2. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 181—FOREIGN JUDGMENTS

''Sec.
''4101. Recognition of foreign defamation judgments.

"§ 4101. Recognition of foreign defamation judgments

''(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation that is based upon a publication concerning a public figure or a matter of public concern unless the domestic court determines that the foreign judgment is consistent with the first amendment to the Constitution of the United States.

''(b) DEFINITIONS.—For purposes of this section:

''(1) DOMESTIC COURT.—The term 'domestic court' means a State court or a Federal court.

''(2) FOREIGN COURT.—The term 'foreign court' means a court, administrative body, or other tribunal of a foreign country.

''(3) FOREIGN JUDGMENT.—The term 'foreign judgment' means a final judgment rendered by a foreign court.''.

(b) CLERICAL AMENDMENT.— The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"181. Foreign Judgments ..... 4101".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this bill imposes a limited, but important, condition on enforcement of foreign defamation judgments in our courts.

It prohibits a federal or state court from enforcing a defamation judgment entered in another country for publication involving a matter of public concern, unless the court first determines that the judgment is consistent with the free-speech clause of our Constitution's First Amendment.

H.R. 6146 responds to the problem of what is sometimes called "libel tourism." This is the disturbing practice of suing authors for defamation in foreign countries rather than in the United States, so as to avoid the speech-protective features of defamation law enshrined in our Constitution.

A much-cited recent example is the lawsuit filed by a Saudi billionaire against an American expert on terrorism, as a result of statements about his activities she made in a book entitled Funding Evil: How Terrorism Is Financed and How to Stop It.

The Saudi billionaire sued the American author not in the United States, where the book

was published, but in England, where a mere 23 copies of the book had been sold to on-line buyers.

He sued in England to avail himself of English libel law, which denies authors the important free-speech protections of our First Amendment. This kind of end-run on the Constitution poses an obvious threat to free speech rights in our country.

H.R. 6146, which was introduced by our colleague, STEVE COHEN of Tennessee, would go a long way toward eliminating this threat. At the same time, it would not interfere with the judicial systems of other countries, or deprive plaintiffs of their choice of forum.

It would simply require that anyone who seeks to enforce this specific type of defamation judgment in our courts to establish that the judgment does not offend our First Amendment. Many U.S. courts already impose this condition on the enforcement of foreign defamation judgments.

I urge my colleagues to support this important bill.

Mr. Speaker, I yield to the author of the measure, STEVE COHEN, the gentleman from Memphis, Tennessee, as much time as he may consume.

Mr. COHEN. I want to thank the chairman for his courtesies and the ranking member in helping bring this bill to the floor today.

Mr. Speaker, I rise today in support of H.R. 6146, which I introduced with Congressman ISSA of California. The bill is designed to address the phenomenon of libel tourism, whereby plaintiffs seek judgments from foreign courts from American authors and publishers for making allegedly defamatory statements.

The fact is, these statements in these cases would not be considered defamatory in American courts where the first amendment gives our authors and people the protection of the first amendment, but in certain jurisdictions, even countries that have similar legal systems to ours, the first amendment is not recognized, and the libel laws are much different, and plaintiffs have less burdens to prove to get judgments against defendants.

This threatens to undermine our Nation's core free speech principles, as embodied in the first amendment. U.S. law places this higher burden on defamation plaintiffs to safeguard our first amendment and protect our speech. We have seen problems with this, particularly in courts of England. The State of New York has already acted to pass a bill to protect authors and publishers in the first amendment, but there was a need to have such on a national basis.

Thomas Jefferson is memorialized with the monument here in Washington. My friend, Randy Wade, and I visited Thomas Jefferson recently. Around the top of the monument is a statement Thomas Jefferson is known for:

''I have sworn upon the altar of almighty God eternal hostility against every form of tyranny over the minds of men.'' To infringe on the opportunity for people to write books and publish, which is what this does, is tyranny over the minds of men. I believe Jefferson would join with us today in support of this proposal.

H.R. 6146 will codify the principle that while U.S. courts will normally enforce judgments of foreign courts, they should not do so when the foreign judgments undermine our Constitution, particularly our precious first amendment.

Specifically, our bill prohibits U.S. courts from recognizing and enforcing foreign defamation judgments that do not comport with the first amendment. I believe that passage of this bill will dissuade those who would seek to circumvent our first amendment by filing actions in libel-friendly forums that do not share our protections and then threaten our authors with judgments.

I thank, again, Chairman CONYERS and Ranking Member SMITH for their assistance in bringing this bill to the floor on suspension. I also thank Congressman ISSA for his help and Congressman Peter King.

Representative KING had a different bill on the same subject. He has shown leadership on this issue for his home State of New York, and he joined with us in this particular bill to try to get it passed here in this Congress.

Adam Cohen, no relation to me in any way whatsoever, opined in The New York Times that this bill needed to become law immediately. We did go into warp speed to get this to the floor.

□ 1830

I am committed to working with Mr. KING next year. I have talked to Chairman CONYERS, and he is in agreement that we should have a public hearing next year on this legislation with Mr. KING's ideas that go further than this bill to discuss how far libel tourism should go. And that hearing I think would satisfy Senator SPECTER's office and others on the Senate side, to go deeper to protect our authors and the freedom of speech.

I would also like to thank the Association of American Publishers, particularly former Congresswoman Pat Schroeder, the Media Law Resource Center, and Professor Michael Brode of Emory University Law School for their input on the bill.

I urge the bill's immediate passage. I thank my chairman from the bottom of my heart who I am fortunate to serve with, and my ranking member who has been so kind to me during my first term.

Mr. SMITH of Texas. First of all, I support this legislation and I thank the gentleman from Tennessee (Mr. COHEN) for his persistent efforts in promoting this legislation.

I yield 3 minutes to my colleague, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank Mr. CONYERS for pushing this legislation and the gentleman from Tennessee (Mr. COHEN) for sponsoring this legislation. I am proud to be a cosponsor of this legislation.

Mr. Speaker, there is a legal presumption in most countries, even Third World countries, that if you accuse somebody of something, you have to prove it, whether civil or criminal. The burden of proof is on the accuser. But that is not so in all countries when it comes to libel and slander.

Take Great Britain, for example. It goes back to when the King ruled the day. If you criticized the King, even if you were right, off with your head. One of the reasons that we formed our own country was the idea of freedom of speech and freedom of press and that is why we put those two fundamental principles first in our Constitution. I have a pocket Constitution that most Members of Congress carry with them, and the first amendment protects the right of a free press and freedom of speech.

What has occurred, though, throughout the courts in Great Britain in a libel case, in other words somebody writes something about somebody else, if the person that is the subject matter doesn't like it, they file a lawsuit in Great Britain, and the burden is on the person who wrote the document to prove it is true. The burden is not on the accuser like it would be in the United States. That applies not only in libel cases but slander cases. And it has taken place especially in books about Islamic terrorism throughout the world.

Writers critical of Islamic terrorists are being sued by wealthy sheiks and Saudi billionaires, specifically Khalid bin Manfouz, who was accused in ''Alms for Jihad'' of financing Islamic terrorists through Muslim charities. What he did, he got mad about the Cambridge University Press, and he threatened to sue Cambridge University Press. What happened in England, which I hope never happens with our press, they got so nervous about it that they started taking all of the books off the shelves, and they started destroying the books. In fact, they sent word throughout the world, if you have this book, ''Alms For Jihad,'' destroy the book. Kind of like the burning of books during World War II under the Nazis. So the Cambridge University Press gave in because the libel laws are different than they are in the United States.

It has also occurred here in the United States with a similar book called, ''Funding Evil,'' written by Rachel Ehrenfeld. What she did was write a book in the United States, published in the United States. But some books, 23, worked their way to England. Here we go again. This author was sued in the courts of England and had the burden of proof to prove that her statements were true. Well, she filed suit against the people who sued her, once again bin Manfouz, and that lawsuit is now pending in our courts.

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

Mr. SMITH of Texas. I yield 1 additional minute.

Mr. POE. So our courts are hearing this matter and it is all about the freedom of speech and the freedom of press.

That is a human right. That is a universal right in this world, whether the courts in Great Britain recognize it or not. And it is important that people be free to write the truth and not suffer the consequences from it and certainly not have to prove what they say is true just because somebody objects.

This legislation is good to protect the publishers and writers in the United States that if they are sued in foreign courts, that those judgments will not be upheld unless that law, that judgment would be upheld in courts in the United States.

This is important legislation. I would like to put into the RECORD an article from the San Francisco Chronicle talking about this entire concept of libel tourism.

[From the San Francisco Chronicle, Aug. 29, 2008]

LIBEL TOURISM: WHERE TERRORISM AND CENSORSHIP MEET

(By Cinnamon Stillwell)

It has become popular for those with competing political agendas to allege threats to free speech, whether real or imagined. Yet, there is a very real threat to free speech that has received little attention in the public sphere. It's called libel tourism and it has become a major component in the ideological arm of the war on terrorism.

At question is the publication of books and other writings that seek to shed light on the financing of Islamic terrorism. Increasingly, American authors who dare enter this territory are finding themselves at risk of being sued for libel in the much more plaintiff-friendly British court system in what amounts to an attempt to censor their work on an international level.

The latest case of libel tourism to rear its ugly head involves the book ''Alms for Jihad,'', which was published by Cambridge University Press in 2006. Co-written by former State Department analyst and USAID relief coordinator for Sudan J. Millard Burr and UC Santa Barbara professor emeritus of history Robert O. Collins, ''Alms for Jihad'' delves into the tangled web of international terrorist financing and, chiefly, the misuse of Muslim charities for such purposes.

Among those the book fingers for involvement is Saudi billionaire Khalid bin Mahfouz, the former chairman of Saudi Arabia's largest bank, National Commercial Bank. Bin Mahfouz has come under similar scrutiny on previous occasions, including being named a defendant in a lawsuit filed by family members of victims of the Sept. 11 terrorist attacks. He even has a section of his Web site devoted to trying to refute such charges.

With this in mind, Cambridge University Press lawyers looked over the manuscript for ''Alms for Jihad'' carefully before giving it the go-ahead. According to Collins, the passages involving bin Mahfouz are, in fact, quite ''trivial'' compared to the wealth of information contained in the book on how such funds are used to finance conflicts around the globe.

Yet, it is bin Mahfouz's inclusion in ''Alms for Jihad'' that has proven to be the most problematic, for he soon threatened Cambridge University Press with a libel lawsuit. Before the suit could commence, Cambridge University Press capitulated and announced in July that not only was it taking the unprecedented step of pulping all unsold copies of ''Alms for Jihad,'' but it was asking libraries all over the world to remove the book from their shelves. Cambridge University Press issued a formal apology to bin Mahfouz and posted a public apology at its Web site. It also agreed to pay his legal costs and unspecified damages, which, according to bin Mahfouz, are to be donated to UNICEF.

Authors Burr and Collins, however, did not take part in the apology, nor were they a party to the settlement, and they continue to stand by their scholarship. As Collins put it, ''I'm not going to recant on something just from the threat of a billionaire Saudi sheik . . . I think I'm a damn good historian.'' The authors were aware that Cambridge University Press's decision was based not so much on a lack of confidence in the book as on a fear of incurring costly legal expenses and getting involved in a lengthy trial. The British court system is known as a welcoming environment for ''libel tourists'' such as bin Mahfouz. The Weekly Standard elaborates: ''Bin Mahfouz has a habit of using the English tort regime to squelch any unwanted discussion of his record. In America, the burden of proof in a libel suit lies with the plaintiff. In Britain, it lies with the defendant, which can make it terribly difficult and expensive to ward off a defamation charge, even if the balance of evidence supports the defendant.''

Bin Mahfouz has indeed availed himself of the British court system on many occasions, having either sued or threatened suit against Americans and others at least 36 times since 2002, according to Rachel Ehrenfeld, author and director of the American Center for Democracy.

Ehrenfeld should know, as her own book, ''Funding Evil: How Terrorism is Financed—And How to Stop It,'' was also targeted by bin Mahfouz through the British court system. Bin Mahfouz sued Ehrenfeld for libel in 2004, soon after her book's publication in the United States, even though only 23 copies ever made it to the United Kingdom.

Ehrenfeld would not, as she put it in the New York Post, ''acknowledge a British court's jurisdiction over a book published here'' and a trial was never held, but the court ruled in favor of bin Mahfouz by default. It also awarded bin Mahfouz $225,913 in damages and ordered Ehrenfeld to apologize publicly and to destroy all unsold copies of the book.

Instead, Ehrenfeld chose to fight back. No doubt aware of the larger implications at work, she took her case to the United States and, giving bin Mahfouz a taste of his own medicine, sued him in a New York federal court on the basis that ''his English default judgment is unenforceable in the United States and repugnant to the First Amendment.''

Civil-liberties lawyer Harvey Silverglate has described her case as ''one of the most important First Amendment cases in the past 25 years'' and sure enough, in June of this year, the Second Circuit Court of Appeals agreed that it deserved a hearing. The court will begin hearing arguments this fall in what could turn out to be a pivotal case involving the clash between First Amendment rights and foreign libel rulings.

Ehrenfeld may indeed have a strong case. She maintains that bin Mahfouz has a long history of involvement in terrorist financing. The bulk of it, she wrote in 2005, revolves around the now-defunct Muwafaq (Blessed Relief) Foundation, which was founded by bin Mahfouz and ''identified by the U.S. Treasury Department as providing logistical and financial support to al Qaeda, HAMAS, and the Abu Sayyaf organizations.'' Ehrenfeld recapped her concerns more recently: ''The data in both Alms for Jihad and Funding Evil is all well-documented by the media and the U.S. Congress, courts, Treasury Department and other official statements. Further corroboration comes from French intelligence officials at the General Directorate of External Security (DGSE), as reported in the French daily, Le Monde. For example, the DGSE reported that, in 1998, it knew bin Mahfouz to be an architect of the banking scheme built to benefit Osama bin Laden, and that both U.S. and British intelligence services knew it, too.''

For this reason, and also to create a precedent, Ehrenfeld has been the only defendant so far not to settle with bin Mahfouz. And she refuses to ''acknowledge the British Court and its ruling'' to this day.

Ehrenfeld's success thus far countering bin Mahfouz mirrors other indications that libel tourism may be backfiring. The largely Internet-based furor over the attempt to squelch ''Alms for Jihad'' and what is widely seen as Cambridge University Press' cave-in has caused the book's price to skyrocket. A copy of the book sold on eBay this month for $538. As noted at the blog Hot Air, ''By suing publisher Cambridge University Press into submission, Khalid bin Mahfouz has turned an obscure scholarly book on the financial workings of terrorism into a prized, rare book.''

In addition, the American Library Association is rising to the occasion. Rather than going along with the Cambridge University Press settlement stipulation that American libraries remove ''Alms for Jihad'' from their shelves, the American Library Association's Office for Intellectual Freedom issued the following statement earlier this month: ''Unless there is an order from a U.S. court, the British settlement is unenforceable in the United States, and libraries are under no legal obligation to return or destroy the book. Libraries are considered to hold title to the individual copy or copies, and it is the library's property to do with as it pleases. Given the intense interest in the book, and the desire of readers to learn about the controversy first hand, we recommend that U.S. libraries keep the book available for their users.''

Reportedly, Collins and Burr got the publishing rights to the book back from Cambridge University Press and, according to the Library Journal, have had ''several offers from U.S. publishers.'' It appears the ''Alms for Jihad'' saga is far from over and free speech may yet win the day.

In another victory for free speech, as well as an instructive example of what such libel suits look like when attempted in the United States, a recent case involving Yale University Press proves useful. It involved a book written by Matthew Levitt, the director of the Stein Program on Terrorism, Intelligence and Policy at the Washington Institute for Near East Policy, titled ''Hamas: Politics, Charity, and Terrorism in the Service of Jihad.''

In his book, Levitt disputes the notion, popular among Hamas apologists, that the group's terrorist and social service pursuits can be seen as separate. In the process, he implicates the Dallas charity KinderUSA, which allegedly raises funds for Palestinian children, in terrorist financing. The group has personnel connections to the now-closed Holy Land Foundation for Relief and Development, which has been under investigation by federal authorities for funding Hamas. KinderUSA has also come under investigation and as a result, in 2005 suspended operations temporarily.

All of this information is available to the public and the book was thoroughly fact-checked prior to publication. Levitt, who is a witness in the ongoing trial of the Holy Land Foundation, explained further that he ''conducted three years of careful research for Hamas, and the book was the subject of academic peer review.''

But this didn't stop KinderUSA and the chair of its board, Dr. Laila AI-Marayati, from filing a libel suit in California in April against Levitt, Yale University Press, and the Washington Institute for Near East Policy. They disputed a particular passage from the book, as well as alleging that Yale University Press did not subject it to fact-checking. But, in filing the suit in California, they were faced with a formidable challenge: the state's anti-SLAPP statute. According to Inside Higher Education: ''KinderUSA asked the court for an injunction on its request that distribution of the book be halted, and also sought $500,000 in damages. But in July, Yale raised the stakes by filing what is known as an ''anti-SLAPP suit'' motion, seeking to quash the libel suit and to receive legal fees. SLAPP is an acronym for ''strategic lawsuit against public participation,'' a category of lawsuit viewed as an attempt not to win in court, but to harass a nonprofit group or publication that is raising issues of public concern. The fear of those sued is that groups with more money can tie them up in court in ways that would discourage them from exercising their rights to free speech. Anti-SLAPP statutes, such as the one in California with which Yale responded, are tools created in some states to counter such suits.''

Not only did Yale University Press stand by its author, but, in the end, its aggressive response to KinderUSA paid off. It was announced this month that the libel suit has been dropped and no changes to the book or payments to the plaintiffs will be forthcoming. KinderUSA claims that it dropped the suit because of the costs involved, but it's more likely it felt that it could not win. If the case had been brought in the United Kingdom, the outcome could have been far different.

This is why Americans must be vigilant about protecting their free speech rights, even when the threats at hand do not fit into the politically correct playbook. Certainly not all Muslim charities and Saudi businessmen are involved in financing terrorism, but the overwhelming amount of evidence pointing to existing links deserves attention, as do the fervent attempts by interested parties to silence those trying to bring the truth to light. It is crucial that they not succeed.

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

Mr. SMITH of Texas. Mr. Speaker, my Texas colleague described the merits of this legislation so well, I will simply make my prepared statement a part of the RECORD.

Mr. Speaker, in the wake of 9–11, the American media has become increasingly alarmed over a phenomenon called ''libel tourism.'' The term refers to the subject of a critical news story suing the American author or reporter of the story in a plaintiff-friendly overseas forum.

This mostly occurs in the United Kingdom, since English libel and slander laws offer less protection to journalists compared to the U.S. system that features the protection offered by the First Amendment.

Persons identified in news stories as terrorists or terrorist sympathizers have brought some of the higher-profile suits. In fact, H.R. 6146 is a legislative response to a New York case in which a Saudi billionaire sued an American author in the UK for defamation, based on the author's allegations that he had subsidized terrorist activities.

What is the legal hook that allowed a British court to claim jurisdiction over the case? Twenty-three copies of the author's book detailing the billionaire's activities were purchased online in Great Britain.

The reporter chose not to appear before the court, which subsequently found her liable and ordered her to pay $225,000 in damages, apologize to the plaintiff, and destroy any remaining copies of the offending book.

Such a result is doubly troublesome. First, an author must worry about satisfying a judgment that would bankrupt most Americans. And second, an author must contend with the fall-out of being shunned by the publishing community.

This is not an imagined result. It is a real threat to anyone wishing to earn a living by reporting and commenting on controversial subjects. And it's an outcome incompatible with our constitutional history and its commitment to the free-flow of ideas and to the robust debate contemplated by the First Amendment.

H.R. 6146 combats libel tourism by proscribing enforcement of any foreign defamation case if it is not ''consistent with the First Amendment . . . .'' This proposal tracks U.S. case law, which holds that a foreign judgment will not be enforced in an American court if the foreign judgment is offensive to State or Federal law.

H.R. 6146 does not overreach. It constitutes a straightforward and sensible response to the practical legal problems caused by libel tourism by codifying a principle already reflected in U.S. law.

Mr. Speaker, I commend the primary authors of the bill, my colleagues on the Judiciary Committee, Representatives STEVE COHEN and DARRELL ISSA, for their hard work and persistence in addressing this important subject.

I also want to acknowledge our colleague, Representative PETER KING, the Ranking Member of the Homeland Security Committee, for his work on the issue.

I urge my colleagues to support H.R. 6146.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of this bill, I rise to urge its approval by the House.

The bill responds to as increasingly serious threat to freedom of speech—the phenomenon often called ''libel tourism.''

That term is used to describe lawsuits brought in other countries—especially the United Kingdom—by people claiming to have been defamed by publications that would not be considered defamatory in the United States.

As explained in a recent news article about the practice—

Britain is a legal refuge because of defamation standards rooted in common law. They essentially assume that any offending speech is false and the writer or author must prove that it is in fact true to prevail against the charge. In the United States, with its First Amendment protection for free speech, the situation tilts in the opposite direction: To succeed, libel plaintiffs must prove that the speech is false and published with a reckless disregard for the truth.

A notable example involves the case of Rachel Ehrenfeld, an Israeli-born writer living in the United States and her legal battle with a billionaire Saudi entrepreneur, Khalid Salim bin Mahfouz over her 2003 book on terrorist financing, ''Funding Evil,'' which asserted that Bin Mahfouz and his family provided financial support to Islamic terrorist groups. The book was not sold in the United Kingdom, but Mr. Bin Mahfouz's lawyers argued that more than 20 copies of her book had been purchased there online and that therefore the British courts had authority to hear his defamation complaint.

Ms. Ehrenfeld did not respond and because she offered no defense, the judge ruled that she had to pay a judgment of $225,000, apologize for false allegations, and destroy existing copies of the book. Mr. Bin Mahfouz has not sought to collect on the judgment, but Ms. Ehrenfeld says it has affected her ability to publish further books. And last year Cambridge University Press agreed to destroy all copies of ''Arms for Jihad'' and to write to 100 libraries around the world seeking to add an explanatory sheet to archived books.

Evidently Mr. Bin Mahfouz has filed more than 24 lawsuits against writers and authors, and his advisers have created a special Web site tracking the legal suits and apologies issued by writers and publishers.

The bill now before the House responds to this threat to free speech. It would bar any U.S. court (State or Federal) from recognizing or enforcing a foreign defamation judgment unless it determined that the judgment ''is consistent with the First Amendment.'' Thus, someone who had won a defamation judgment abroad would have to prove the case under U.S. standards before it could be enforced here. This will provide important protection for Americans and others who exercise the First Amendment right of free speech in our country.

I urge approval of the bill.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 6146, legislation that will prohibit the recognition and enforcement of foreign defamation judgments based upon a publication that concerns a public figure or a matter of public concern. This bill, like legislation (Free Speech Protection Act) that I introduced earlier this year attempts to deal with the issue of ''libel tourism'' that threatens not only Americans' First Amendment freedom of speech but also their ability to inform the general public about existential threats; namely, who are the terrorists and who are their supporters. As the Ranking Member on the House Committee on Homeland Security I am regularly briefed on dangers to the homeland and know how grave these threats are. We cannot allow foreigners the opportunity to muzzle Americans for speaking the truth about these dangers!

Libel tourism is a recent phenomenon in which certain individuals are obstructing the free expression rights of Americans (and the vital interest of the American people) by seeking out foreign jurisdictions (''libel shopping'') that do not provide the full extent of free-speech protection that is enshrined in our First Amendment. Some of these actions are intended not only to suppress the free speech rights of journalists and others but also to intimidate publishers and other organizations from disseminating or supporting their work.

Unlike in the United States where the burden of proof is on the plaintiff to show that the publication was not only false but also malicious, in countries such as the United Kingdom it is the reverse: The defendant is required to appear in court and prove what he has written was 100 percent factual. And some of the ''tourists'' claims of jurisdiction are tenuous at best. In many cases, not only are none of the individuals (author, litigant, or publisher) associated with the case living in the venue of jurisdiction, but neither are the books

published there. These ''tourists'' stretch the law by claiming a handful of copies of the book were purchased over the internet in that country. The author must then hire an attorney, travel to the foreign country, and defend himself or likely face a default judgment against him. Consequences include (but are not limited to) fines, public apologies, pulping of books, and the removal of them from bookstores and libraries.

We cannot change nor would we want to change other countries' (libel) laws. We must respect their rule of law as they ought to respect ours. However, we cannot allow foreign citizens to exploit these courts to shield personal reputations when it directly contradicts Americans' First Amendment protected speech, especially when the subject matter is of such grave importance as terrorism and those who finance it. We rely on a variety of sources for intelligence and we cannot allow foreign litigants and foreign courts to tell us who can write and who can publish what. That is a dangerous path we do not want to follow.

Furthermore, the governments and courts of some foreign countries have failed to curtail this practice, permitting lawsuits filed by persons who are often not citizens of those countries, under circumstances where there is often little or no basis for jurisdiction over the Americans against whom such suits are brought.

Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, to avoid the Supreme Court's First Amendment jurisprudence and frustrate the protections it affords Americans.

But this issue is also very troubling for the authors, journalists, and even publishers who attempt to write on these subjects. Already we have seen examples of authors having difficulty getting their articles or books published because of publishing houses' fear of being sued overseas. Some companies have even gone as far as to pay large settlements to avoid having to go to court. So not only are authors being injured for the works they have previously written but they and their publishers are being intimidated from writing future works on these important topics. The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through research and study is essential to the formation of sound public policy and thus to the security of Americans.

The Americans against whom such suits are brought must consequently endure the prohibitive expense, inconvenience, and anxiety attendant to being sued in foreign courts for conduct that is protected by the First Amendment, or decline to answer such suits and risk the entry of costly default judgments that may be executed in countries other than the United States where those individuals travel or own property.

In turn, the American people are suffering concrete and profound harm because they, their representatives, and other government policy-makers rely on the free expression of information, ideas and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

Having said that, the United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the First Amendment rights of Americans in connection with speech that occurs, in whole or part, in the United States.

That is why earlier this year I introduced the Free Speech Protection Act, H.R. 5814, to defend U.S. persons who are sued for defamation in foreign courts. This legislation allows U.S. persons to bring a Federal cause of action against any person bringing a foreign libel suit if the writing does not constitute defamation under U.S. law. It would also bar enforcement of foreign libel judgments and provide other appropriate injunctive relief by U.S. courts if a cause of action is established. H.R. 5814 would award damages to the U.S. person who brought the action in the amount of the foreign judgment, the costs related to the foreign lawsuit, and the harm caused due to the decreased opportunities to publish, conduct research, or generate funding. Furthermore, it would award treble damages if the person bringing the foreign lawsuit intentionally engaged in a scheme to suppress First Amendment rights. It allows for the expedited discovery if the court determines that the speech at issue in the foreign defamation action is protected by the First Amendment. Finally, nothing in this legislation would limit the rights of foreign litigants who bring good faith defamation actions to prevail against journalists and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly. The Free Speech Protection Act does, however, attempt to discourage those foreign libel suits that aim to intimidate, threaten, and restrict the freedom of speech of Americans. I am proud to have worked closely with Senators. ARLEN SPECTER and JOE LIEBERMAN who have introduced companion legislation in the Senate.

I support the passage of H.R. 6146, a Federal version of New York State's ''Rachel's Law,'' which will provide protection to U.S. authors, journalists, and publishers against the domestic enforcement of defamation judgments from foreign countries with less free speech protections than the U.S. The protection of free speech enshrined in the First Amendment is one of America's most cherished rights, and it is unacceptable that First Amendment rights of Americans can be potentially undermined or restricted by foreign court judgments based on lower free speech standards.

The impetus for a Federal ''Rachel's Law'' is the case of Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy. Dr. Ehrenfeld's 2003 book, ''Funding Evil: How Terrorism is Financed and How to Stop It,'' which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Dr. Ehrenfeld for libel in England though because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S. After the English court entered a judgment against Dr. Ehrenfeld, she sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the ''Libel Terrorism Protection Act'', commonly known as ''Rachel's Law.''

I support H.R. 6146 because it prohibits U.S. (domestic) courts from enforcing these outrageous defamation suits. We must stand up to the terrorists and their financers, supporters, and sympathizers. However, this bill does not go far enough nor does it resolve the problem of ''libel tourism.'' Foreign litigants will still be allowed to file these libel suits overseas without the worry of being countersued here in the U.S. If this bill passes, they will never see a dime of those hefty judgments they were awarded, but that's not what they are after in the first place. They want the default judgment. They want the publicity. They want the apology. And they want these books to disappear. But most of all they want to intimidate. They want to make sure people are afraid of writing anything about them. And it's working. Journalists are even afraid of writing about this legislation! That's their goal here. Not to collect the money. Many of them are already wealthy, and if they really cared about collecting a monetary judgment they would file these suits in the U.S. in the first place. They choose not to, however, because they know they would never win in a U.S. court.

Finally, I support H.R. 6146 because it is a first step in the right direction. I am a cosponsor of this bill and thank Representatives STEVE COHEN and DARRELL ISSA for introducing it. H.R. 6146 is an important and necessary part of any ''libel tourism'' bill. Unfortunately, it doesn't put an end to the problem and doesn't provide any deterrence from these suits being filed in the first place. But it is my hope that during the 111th Congress we can have hearings on this important issue and that Representatives COHEN and ISSA, along with Senators SPECTER and LIEBERMAN and I, can sit down together and craft a bill that we can all agree on and that will solve this problem once and for all.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6146, a bill to stifle the practice of libel tourism.

The right to free speech in the United States is of fundamental importance. It is arguably the cornerstone of our democracy and the hammer that keeps our government and its officials in check.

We must not take our right to free speech for granted, for our level of freedom is not honored in many countries around the world. China is an easy example of government-controlled speech, as demonstrated recently by the restrictions placed on the international press during the Olympic Games. But other countries are more of a surprise.

Our friend and ally, Great Britain, takes a much more liberal position on libel laws than the United States. They allow judgments against defendants that would not pass muster in our domestic courts, and for this reason many plaintiffs in libel suits involving American defendants seek redress in British courts.

For example, the book, ''Alms for Jihad'', written by a former State Department analyst and a University of California Santa Barbara professor, looked into the network of global finances aiding international terrorism. The book mentioned a Saudi billionaire as being involved at some level, a claim not without controversy, but also not without legitimate research by the authors.

The threat of lawsuit by the billionaire in the British courts alone caused Cambridge University Press to shred all unsold copies of ''Alms for Jihad'' in addition to asking libraries the world over to pull the book.

We cannot allow libel laws in other countries to censor the writings of American authors when laws within the United States find the writings legitimate. Doing so will erode our right to free speech in the United States, an outcome I believe we all find abhorrent.

I cosponsored H.R. 6146 with Congressman STEVE COHEN to help eliminate this threat. The bill instructs courts within the United States not to enforce libel judgments of foreign courts unless the domestic court finds the judgment is consistent with the First Amendment. This is a fairly simple mechanism, but one that we expect to help control the threat of censorship arising from libel tourism.

Without the fear of foreign judgments against legitimate writings, American authors should feel safe continue to promote national and international discourse and debate.

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

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6146, as amended.

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

A motion to reconsider was laid on the table.

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

Mr. HASTINGS of Florida (during debate on H.R. 6146), from the Committee on Rules, submitted a privileged report (Rept. No. 110–897) on the resolution (H. Res. 1514) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3174) to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3174

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 ''Equal Justice for Our Military Act of 2007''.

SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the Equal Justice for Our Military Act amends the Federal judicial code to allow members of the United States Armed Services to petition for review by the United States Supreme Court in certain cases when they have been denied relief by the Court of Appeals for the Armed Forces.

Many Americans would be shocked to learn that soldiers serving their country in uniform are blocked from equal access to the Supreme Court.

But the truth is that current law provides virtually no avenue through which active service members who have been convicted by court-martial of certain serious offenses, or who face discharge or dismissal, to ask our Nation's highest court to review their case.

Currently, the Supreme Court can only hear cases where the U.S. Court of Appeals for the Armed Forces, the highest court of the military justice system, has either conducted a review of a court-martial, or has granted a servicemember's petition for extraordinary relief.

What this means is that when the court of appeals denies review, which it does nearly 90 percent of the time, the Supreme Court is barred from reconsidering the case at the request of the servicemember.

Adding insult to injury, while a servicemember is not able to obtain Supreme Court review if he or she loses at the court of appeals, if the court of appeals rules against the government, the Government can seek review in the Supreme Court.

And a former servicemember who is tried under the Military Extraterritorial Jurisdiction Act in civilian court for crimes committed while on active duty also has full right to petition for Supreme Court review.

The Equal Justice for Our Military Act corrects this unfair one-sidedness by allowing an active servicemember to file a writ of certiorari to the Supreme Court in any case where the Court of Appeals for the Armed Forces has denied review of a court-marital conviction or has denied a petition for extraordinary relief.

I would like to commend the author of this bill, our colleague SUSAN DAVIS of California, for her leadership in working to correct this ongoing injustice, so that our active servicemembers have the same fundamental protection that Americans take for granted.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today on behalf of our troops by urging passage of H.R. 3174, the Equal Justice For Our Military Act, a bill giving our servicemembers equal access to the United States Supreme Court.

We all know when American men and women decide to serve their Nation in the Armed Forces, they make many sacrifices, from lost time with their families to irreplaceable loss of lives. Servicemembers also sacrifice one of the fundamental legal rights that all civilian members enjoy.

Members of the military convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. After exhausting their appeals through the United States Court of Appeals for the Armed Forces, they have no recourse. In fact, the playing field is weighted in favor of the military, granting the automatic right of Supreme Court review to the Department of Defense when a servicemember wins a case. But servicemembers are denied the same right in nearly every case the government wins against them.

It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the chairwoman of the Subcommittee on Military Personnel, a long time advocate for servicemembers and a Representative from San Diego, one of the largest military communities in the Nation, I feel an obligation to fight to ensure that the members of our military are treated fairly.

I introduced, along with Armed Services Chairman Ike Skelton, H.R. 3174 to correct this inequity. This bill has been endorsed by the American Bar Association, the Military Officers Association of America, and many other legal and military advocates. In addition, the Congressional Budget Office has stated that this bill does not affect direct spending.

It is fundamentally unjust, Mr. Speaker, to deny those who serve on behalf of our country one of the basic rights afforded to all other Americans. I hope that all of my colleagues will stand with me in strong support of this legislation to attain equal treatment for those who fight for us.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the vast majority of servicemembers serve with distinction and honor, and are never subjected to disciplinary action under the Uniform Code of Military Justice. But when disciplinary action is necessary, the UCMJ and the military justice system provide a high degree of protection for the accused. In many cases, these protections extend well beyond those provided by the civil justice system.

But from time to time, policymakers ought to review and contemplate proposals for change. I am told the particular section of the code this bill would amend has not been altered or subjected to a congressional review in a quarter of a century. And yet the bill before us proposes far-reaching and significant changes in terms of expanded appellate rights for servicemembers convicted of wrongdoing.

I would support consideration of this measure in the regular order. But the regular order requires a review and consideration of the relative merits of the legislation by subcommittee and committee members with subject matter expertise; a hearing with witnesses who can present expert testimony and offer guidance as to the necessity, effect and scope of any proposals in the bill; a markup or markups after notice to the public and the stakeholders most likely to be impacted by changes; and a committee report that is written and made available to the public and future Congresses that explains the intent and rationale of the proposed changes.

Regrettably, the committee and House leadership have decided to short-circuit the process and dispense with every single one of these steps. This is despite the fact that the bill was introduced by its sponsors and referred to the Courts Subcommittee, with no action, more than a year ago.

The regular order did not fare any better in the other body where the committee of jurisdiction took up the measure just 2 weeks ago and reported it without a hearing, a report, or any other substantial process or record.

Because of the haste with which this proposal is being considered, one might infer there are no questions that ought to be addressed or there are questions that might expose this bill as bad policy if Congress wasn't rushing to judgment.

The truth is when a similar measure was introduced last Congress, the general counsel of the Department of Defense raised major questions about the wisdom and necessity of that bill, as well as its likely impact on the department.

In a letter dated February 6, 2006, General Counsel William J. Haynes, II, wrote that the Department of Defense ''opposes the proposed legislation.''

He noted the department's view that ''there is demonstrable inequity that needs to be rectified''; that ''opening this additional avenue of Supreme Court appeal will require legal reviews and briefs from numerous counsel on the military departments' Government and Defense Appellate Divisions, the Department of Defense Office of General Counsel, as well as within the Office of the Solicitor General and the Supreme Court,'' and that the legislation provides no ''clear safeguards'' to preclude the possible abuse by petitioners of this new avenue for appellate review.

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I am particularly concerned by this last point as well as the fact that the bill is written to permit an appellant to repeal the case to the Supreme Court even when the Court of Appeals for the Armed Forces has declined to review it on the merits, let alone to issue a final decision.

Unfortunately, by refusing to permit the subcommittee and committee members to study the issues and properly discharge their responsibilities, the House leadership is forcing Members to make assumptions without any evidence. Just as a court should not convict someone of an offense without due process and evidence beyond a reasonable doubt, Members of Congress should not be placed in the position of changing long-standing policies without some formal process and actual consideration of the evidence for and against the proposal.

The Democratic leadership increasingly has resorted to extraordinary tactics to move legislation. In so doing, they do a disservice to the Members of the House and of the people we represent.

In closing, Mr. Speaker, the unasked questions and lack of process compel me for the time being to oppose this legislation.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3174.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 1157. An act to amend the Public Health Service Act to authorize the director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 1532. An act to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

H.R. 6946. An act to make a technical correction in the NET 911 Improvement Act of 2008.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 2162) ''An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.''.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 3023) ''An Act 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.''.

NEED-BASED EDUCATIONAL AID ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, strike lines 5 and 6 and insert the following: ''*Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.*''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

The Need-Based Educational Aid Act, sponsored by our colleagues BILL DELAHUNT of Massachusetts and Ranking Member LAMAR SMITH of Texas, extends an antitrust exemption that permits colleges to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations. This exemption also permits the use of a common aid application form in exchange of student financial information through a third party.

In 1992, Congress passed the first exemption. It has expired several times, and it is now set to expire in 4 days. We hope to avoid that by passing this bipartisan legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

With the current antitrust exemption for need-based educational aid expiring on September 30, our timely action is necessary. Congressman DELAHUNT, the sponsor of this bill, has successfully guided it through Congress, and without his efforts, we might not have extended this extension before it expired.

I appreciate Mr. DELAHUNT's leadership because this issue has long been of interest to me. I was a sponsor of the bill that extended the exemption in 1997 and in 2001, and I am pleased to be a cosponsor of this bill as well.

The bills in 1997 and 2001 were like the bill that passed the House last April, a permanent extension of the moratorium. Both times, the Senate amended those bills, as they did again this year, to a term of years. This exemption originated because Congress disagreed with a suit brought by the Department of Justice against nine colleges for their efforts to use common criteria to assess each student's financial need. Twenty-seven colleges and universities currently are members of the 568 Presidents' Group, which utilizes this antitrust exemption.

They include Amherst College, Boston College, Brown University, Claremont McKenna College, Columbia University, Cornell University, Dartmouth College, Davidson College, Duke University, Emory University, Georgetown University, Grinnell College, Haverford College, MIT, Middlebury College, Northwestern University, Pomona College, Rice University, Swarthmore College, the University of Chicago, the University of Notre Dame, the University of Pennsylvania, Vanderbilt University, Wake Forest University, Wellesley College, Wesleyan University, and Williams College.

Several other colleges, including Yale and Harvard, participate as advisory members of this group.

To my knowledge, there are no complaints about the existing exemption. In fact, a recent GAO study of the exemption found that there has been no abuse of the exemption, and it stated that there has not been an increase in the cost of tuition as a result of the exemption.

This bill, as amended by the Senate, would extend the exemption for another 7 years. It would not make any change to the substance of the exemption. I had hoped that Congress would have been able to extend the exemption permanently, but I'm aware that some in the Senate objected.

The need-based financial aid system serves a worthy goal that the antitrust laws do not adequately address—making financial aid available to the broadest number of students solely on the basis of demonstrated need.

No students who are otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of their families. This bill helps protect need-based aid and need-blind admissions. It has been noncontroversial in the past, and it is supported by a number of higher educational groups. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, the exemption that we are renewing today has worked well. It makes sure that schools don't have to compete for the very top students, which could result in some students, the top students, getting excess aid while the rest of the applicant pool receives less or, in some cases, none at all.

As mentioned by Mr. SMITH, it was sent back to us by the Senate. The exemption is extended to 2015. Enacting this today protects need-based aid and need-blind admissions, and it will help preserve the opportunity for all students to attend one of the Nation's most prestigious schools. As Mr. SMITH has noted, we hope someday to have a permanent extension, but for now, we need to pass this bill. I urge my colleagues to support the legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1777, the "Need-Based Educational Aid Act of 2007." This bill is co-sponsored by Representative DELAHUNT. This bill makes sense and it should be supported. I urge my colleagues to support this very important bill.

H.R. 1777 would make permanent an exemption to the antitrust laws that permits the Ivy League schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations. The exemption also allows for agreement on the use of a common aid application form and the exchange of the student's financial information through a third party. Without this legislation, the exemption will expire on September 30, 2008. I support this bill.

Beginning in the mid–1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, i.e., aid from the school's own funds solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of the group. This practice remained undisturbed until the late 1980s.

In 1989, the Antitrust Division of the Department of Justice brought suit against the nine Ivy League schools to enjoin this practice. In 1991, the eight Ivy Leagues, except MIT, agreed to a consent decree that ended this practice.

In 1992, Congress passed a temporary antitrust exemption to allow the schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis. This temporary exemption prohibited any agreement as to the terms of a financial aid award to any specific student. It was to expire on September 30, 1994.

In 1994, Congress passed another temporary exemption from the antitrust laws. This exemption, similar to the 1992 exemption, allowed agreements to provide aid on the basis of need only and to use common principles of needs analysis. It also prohibited agreements on awards to specific students. Unlike the 1992 exemption, it allowed agreement on the use of a common aid application form and the exchange of the student's financial information through a third party. The exemption was to expire on September 30, 1997.

In 1997, Congress passed a law to extend the expiration date until September 30, 2001. In 2001, the exemption was extended to September 30, 2008.

H.R. 1777, introduced by Representative BILL DELAHUNT and Ranking Member LAMAR SMITH, would make the exemption passed in 1994 permanent. It would not make any other change to the substance of the exemption.

This is a good bill because need-based financial aid serves social goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need.

But for the existence of financial aid, and laws like this one, many of us today in Congress and in America, generally, would not have benefited from a post-secondary school education. We must pass this bill today to ensure that Americans continue to benefit from need-based financial aid at institutions of higher learning.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM ACT

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3606) to extend the special immigrant nonminister religious worker program and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3606

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 ''Special Immigrant Nonminister Religious Worker Program Act''.

SEC. 2. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

(a) EXTENSION.—Subclause (II) and subclause (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking ''October 1, 2008,'' both places such term appears and inserting ''March 6, 2009,''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) issue final regulations to eliminate or reduce fraud related to the granting of special immigrant status for special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)); and

(2) submit a certification to Congress and publish notice in the Federal Register that

such regulations have been issued and are in effect.

(c) REPORT.—Not later than March 6, 2009, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the effectiveness of the regulations required by subsection (b)(1).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that the Secretary of Homeland Security submits the certification described in subsection (b)(2) stating that the final regulations required by subsection (b)(1) have been issued and are in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

S. 3606 reauthorizes the Special Immigrant Nonminister Religious Worker Program, which provides an avenue for nuns, monks and other religious workers to come to the United States to do their important work. If we do not act, this program will sunset in just 4 days.

On April 15 of this year, we passed H.R. 5570 to reauthorize the program for 7 years. As sent over from the Senate, the bill allows the program to expire on March 6, 2009. While this unfortunate limitation will require Congress to revisit this issue promptly next year, I believe the program is too important to let expire.

The 5,000 religious workers eligible for these visas each year are called to a vocation or are in traditional religious occupations with bona fide nonprofit religious organizations. They are missionaries, counselors, religious instructors, and other pastoral care providers.

There is a bipartisan consensus around this program. It has been extended four times since first enacted in 1990. We have worked with Mr. SMITH to craft provisions to guard against potential fraud. The Senate bill incorporates those protections. I think this is a sound bill, and I hope that we're able to pass it tonight.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am happy to have played a part in the creation of the Religious Worker Immigrant Visa program in 1990. These visas enable American religious denominations, large and small, to benefit from committed religious workers from other countries.

Last April, the House passed legislation to extend the program for an additional 7 years. Senator SPECTER introduced legislation in the Senate to extend the program for 3 years. I support this bill today. However, it only reauthorizes the religious worker visa program for about 5 months.

Why such a short reauthorization?

Well, the reason is that some Democrats in the Senate are holding the reauthorization of another vital immigration program hostage. The E-Verify program provides tens of thousands of American employers who want to do the right thing with an effective tool to ensure that they are hiring a legal workforce.

The authorization for E-Verify expires in November, so the House passed a 5-year reauthorization by the overwhelming vote of 407–2. Unfortunately, Democrats in the Senate have refused to pass an extension of E-Verify for longer than 5 months. They refuse to pass a longer extension unless we accede to their demand to increase immigration to the United States by about a half a million people.

Such a demand goes against the clear preference of the American people who support current or reduced levels of immigration. It goes against the interest of American workers who compete with foreign workers for the same jobs, and it goes against the interest of American employers who want to count on E-Verify's being available to them for the long term.

This body is right to reject the demand of the Senate Democrats. Unfortunately, since they will only extend E-Verify for 5 months, we will only get a 5-month extension of the religious worker visa program. So we will need to address this issue again after the 111th Congress convenes next January.

I do appreciate the language in this bill that requires the Department of Homeland Security to expeditiously issue needed regulations to address fraud in the religious worker visa program. I have long been concerned about the high level of fraud that has been evident in this program. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to comment briefly on the March 6 date.

It is my understanding that two Republican Senators requested dramatic changes to the E-Verify program extension that we were able to pass here. When they were unable to get it, the Senate—or I should say the other body—was able to agree on just an extension until March 6. Then the issue was that nothing else was going to go past March 6.

So I think it's interesting to note that, even though we oftentimes have very contentious disagreements on various immigration matters here in the House, we were able to come to an agreement to extend the E-Verify program for an extended period of time. They couldn't get that together in the Senate, so we're going to, indeed, have to revisit this as well as E-Verify early next year, and we will have to try and come to an agreement that is bipartisan and bicameral. Certainly, we need to approve this today so that religious workers can enrich the lives of our communities. With that, I urge its adoption.

Mr. Speaker, S. 3606 is similar to a bill I authored, H.R. 5570, which passed the House on April 15 of this year.

Both bills would reauthorize the Special Immigrant Non-Minister Religious Worker Program, which allows non-minister religious workers to obtain special immigrant status in the U.S. so that they may do the work required of their faith.

The program is vitally important to religious organizations as it provides in many!instances the only avenue for nuns, monks, and other people of faith to come to the United States to fill a vocation or other traditional religious occupation. Those who use the visas come over to serve as missionaries, counselors, translators, religious instructors, cantors, and other pastoral care providers.

Unfortunately, the program is currently set to expire in just a few days.

H.R. 5570, the bill I authored, would have extended the program for several years. But S. 3606, as sent back from the Senate, would extend the program only through March 6, 2009. Although I strongly would have preferred to extend the program for longer, the program is too important to let expire. We should extend the program today to allow us the additional time we need to work out a longer extension.

I also note tat the program was first enacted in 1990 and that Congress has extended it four times, most recently in 2003. Working with LAMAR SMITH, the Ranking Member of the Judiciary Committee, we made changes to the program for the first time to address potential fraudulent uses of the program. The Senate bill includes those protections.

I urge my colleagues to support this important bipartisan legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 3606.

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

A motion to reconsider was laid on the table.

□ 1900

EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international

medical graduates, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, line 5, strike ''June 1, 2013'' and insert ''March 6, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5571 reauthorizes a critically important immigration program that helps medically underserved communities attract highly skilled physicians. This program expired on June 1 of this year. On May 21, the House passed this bill with a 5-year reauthorization.

As sent back from the Senate, the bill allows the program to expire again on March 6, 2009. While this unfortunate limitation will require Congress to revisit this issue promptly next year, the program is too important to let expire. The program helps States attract doctors who have received their medical training in the United States and who agree to work in medically underserved areas.

Its importance was demonstrated last year when a tornado utterly destroyed the town of Greensburg, Kansas. That town would not have had doctors without this program, and their presence helped tremendously in the town's ability to keep casualties to a minimum.

We need to keep this program going so that the States can attract medical talent and keep the doors open.

I commend Ranking Member Lamar Smith, as well as my colleague, Sheila Jackson-Lee, for their efforts to bring this bill to the floor, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends a program that has successfully brought doctors to medically underserved areas in the U.S. The Conrad Program allows foreign doctors who have been here on exchange programs to stay at the conclusion of their residencies if they agree to practice medicine for at least 3 years in health professionals shortage areas.

Mr. Speaker, this is a good bill. I urge my colleagues to support it.

This bill extends a program that has successfully brought doctors to medically underserved areas in the U.S. The ''Conrad'' program allows foreign doctors who have been here on exchange programs to stay at the conclusion of their residencies if they agree to practice medicine for at least 3 years in health professional shortage areas.

In May the House passed legislation to extend the program for an additional 5 years. And Senator SPECTER introduced legislation in the Senate to also extend the program for 5 years. Our medically underserved communities deserve a long-term reauthorization of this program so that they can better plan for the future.

I support this bill today. However, it only reauthorizes the Conrad program for about 5 months. Why such a short reauthorization? Well, the reason is that the Democrats on the other side of the Capitol are holding the reauthorization of another vital immigration program hostage.

The E-Verify program provides tens of thousands of American employers who want to do the right thing with an effective way to ensure that they are hiring a legal workforce. The authorization for E-Verify expires in November, so the House passed a 5 year reauthorization by the overwhelming vote of 407 to 2.

Unfortunately, the Democrats in the Senate have refused to pass an extension of E-Verify for longer than 5 months. They refuse to pass a longer extension unless we accede to their demand to increase immigration to the U.S. by over 500,000 persons.

Such a demand goes against the clear preference of the American people who oppose an increase in immigration levels already at a record high. It goes against the interests of American workers in these unsettled economic times. And it goes against the interests of American employers, who want to count on E-Verify being available to them for the long term.

The House is right to reject the demand of the Senate Democrats. Unfortunately, since they will only extend E-Verify for 5 months, we will only get a five month extension of the Conrad program. Thus, we will need to address this issue again after the 111th Congress convenes next winter.

I urge my colleagues to support this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, today, we are preventing a critically important immigration program from expiring.

No one disputes that there is a health care crisis in this country. With our population aging, there is no doubt that the demand for health care will only increase.

The problem is made worse by a shortage of medical professionals, including doctors, in many communities across America. H.R. 5571 will reauthorize a program—the Conrad 30 J Waiver Program—that has been successful at helping medically underserved communities attract highly skilled physicians.

The program allows States to recruit foreign doctors who have received their medical training in the United States, so long as those doctors work in medically underserved areas.

This program is critically important to underserved communities across this country, but it unfortunately expired on June 1, 2008. The House passed the bill on May 21, but the Senate did not act until just yesterday, when it extended the program through March 6, 2009.

Although I would have strongly preferred to reauthorize this program for 5 years, as the bill I introduced stated, this program is too important to let expire as we continue to negotiate the length of time this program should be extended. We must pass this bill today so that we may have the additional time we need to further reauthorize the Conrad 30 J Waiver Program.

I wish to thank LAMAR SMITH, the Ranking Member of the Judiciary Committee, and Representative SHEILA JACKSON-LEE for their efforts in helping me bring this bill to the floor.

I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield back my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just further urge support of this bill, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5571.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAMPUS SAFETY ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6838) to establish and operate a National Center for Campus Public Safety.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6838

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 ''Center to Advance, Monitor, and Preserve University Security Safety Act of 2008'' or the ''CAMPUS Safety Act of 2008''.

SEC. 2. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

''PART LL—NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY

''SEC. 3021. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

''(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—

''(1) IN GENERAL.—The Director of the Office of Community Oriented Policing Services is authorized to establish and operate a National Center for Campus Public Safety (referred to in this section as the 'Center').

''(2) GRANT AUTHORITY.—The Director of the Office of Community Oriented Policing Services is authorized to award grants to institutions of higher education and other nonprofit organizations to asisst in carrying out the functions of the Center required under subsection (b).

''(b) FUNCTIONS OF THE CENTER.—The Center shall—

''(1) provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;

''(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

''(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

''(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

''(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

''(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

''(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

''(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

''(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

''(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Director of the Office of Community Oriented Policing Services shall—

''(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorney General of each State; and

''(2) coordinate the establishment and operation of the Center with campus public safety resources that may be available within the Department of Homeland Security and the Department of Education.

''(d) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2009 through 2013.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past few years, we have seen a number of tragic incidents of violence at colleges and universities, including the disastrous incidents at Virginia Tech and Northern Illinois University.

This bill will help schools to more effectively prevent such incidents and to more effectively respond if such incidents do occur. It creates a national center for campus public safety administered through the Department of Justice. The center will train campus safety agencies, promote research into improving campus safety, and be a clearinghouse for campus safety information. The director at the center will have the authority to award grants to institutions of higher learning to help them meet their enhanced public safety goals.

I would like to thank and publicly acknowledge Crime Subcommittee Chairman Bobby Scott of Virginia, as well as ranking member of that subcommittee, Louie Gohmert of Texas, as well as Senator LEAHY for their bipartisan leadership on this initiative.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I support this bill.

I would like to associate myself with the remarks made by the gentlewoman from California, Congresswoman ZOE LOFGREN, and I will include my entire statement as part of the RECORD.

Mr. Speaker, earlier this year, teachers and students at Virginia Tech gathered to mark the 1-year anniversary of the campus shooting that killed 27 students and 5 faculty members. We now know that the shooter was a mentally-disturbed young man who was able to purchase two handguns. He brought those handguns to the campus and began a shooting spree that spanned several hours and occurred in both dorms and classrooms across campus.

Sadly, in February of this year, a gunman stormed a classroom at Northern Illinois University and opened fire, killing 5 students and wounding 16 others before killing himself.

In the wake of the tragic shootings at Virginia Tech and Northern Illinois University and a recent rash of violence in public schools across the country, it is appropriate for Congress to act to provide resources to schools and law enforcement officials to help protect our schools.

School and college campuses should be safe environments for students to learn. Today, campus security requires much more than ever before, including campus police, emergency alert systems, and emergency response plans.

H.R. 6838, the CAMPUS Safety Act, authorizes the Department of Justice to establish a National Center for Campus Public Safety to award grants to colleges and universities and other nonprofit organizations, provide education and training for campus public safety agencies, and promote research to improve the security of colleges and universities.

The center may coordinate with other Federal agencies to prevent and respond to natural disasters, incidents of campus violence, or other emergencies. The center may also promote the development of an effective behavioral health threat assessment to prevent campus violence.

It is my hope that through this legislation and other programs across the country, we can do our best to prevent violence on our college and university campuses.

I urge my colleagues to support the passage of H.R. 6838.

I yield back my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I simply urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6838.

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

A motion to reconsider was laid on the table.

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Ms. ZOE LOFGREN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2304) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2304

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Examination and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

(1) in paragraph (1), by striking at the end ''and'';

(2) in paragraph (2), by striking ''for fiscal years 2006 through 2009.'' and inserting ''for each of the fiscal years 2006 and 2007; and''; and

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

''(3) $50,000,000 for each of the fiscal years 2009 through 2014.''.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking ''There are authorized'' and inserting ''(1) IN GENERAL.—There are authorized''; and

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

''(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.''.

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

''(2) promote effective strategies for identification and treatment of female mentally ill offenders;

''(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

''(4)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

''(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

''(D) have the support of both the Attorney General and the Secretary.''.

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by—

(1) redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following:

''(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

''(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

''(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

''(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

''(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

''(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

''(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.''.

SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''serious mental illness'' means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term ''covered mental, behavioral, or emotional disorder''—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is similar to H.R. 3992, which was authored by Crime Subcommittee Chairman Bobby Scott of Virginia which passed our House in January.

The Senate bill focuses on expanding the allowable uses of funds in existing programs that provide assistance to mentally ill offenders. It reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Grant Program at the current level of $50 million. It expands the permissible use of funds for mental health courts that will incorporate pretrial services and assessments for alternatives to incarceration.

Funds under this bill can be used to assist law enforcement agencies with identifying and reducing the risk of harm to mentally ill offenders, while also maintaining public safety.

Finally, this bill will provide States and units of government with funding to improve the treatment of female offenders with mental illness.

Despite common misconceptions, the majority of mentally ill people who are arrested and incarcerated are low-

level, nonviolent offenders. This legislation will help jurisdictions assist mentally ill people in ways that help keep them out of our jails and prisons if that's not where they belong.

This is a good bill, and I urge its passage.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I don't know if I'd call it a habit, but I find myself again agreeing with the gentlewoman from California, Ms. ZOE LOFGREN.

This is a bill that has already passed the House in a similar form, I believe, last January.

I will include my entire statement in the RECORD.

I support S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act. The House passed companion legislation, H.R. 3992, last January.

This important legislation addresses the unique challenges that mentally ill offenders create for our criminal justice system. It is estimated that 16 percent of the prison or jail population in the country suffers from a serious mental illness.

More than one-fifth of jails have no access to any mental health services at all. Many criminal justice agencies are unprepared to meet the comprehensive treatment and needs of individuals with mental illness.

Jails and prisons require extra staff resources for inmates with mental illness. In addition, mentally ill offenders can be affected psychologically by incarceration differently than general population offenders.

H.R. 3992 reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act; encourages early intervention for individuals with mental illness; reauthorizes the mental health courts program; and maximizes diversion opportunities for nonviolent offenders with mental illness and co-occurring disorders.

The legislation also promotes training for treatment professionals on criminal justice processes and mental health and substance abuse issues; establishes State and local planning grants to address the needs of mentally ill offenders; and facilitates communication, collaboration, and the delivery of support services among justice professionals, treatment and related service providers.

I urge my colleagues to support this measure.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just say that at a time when the majority of mental health treatment provided in this country is provided in county jails, a measure such as this is enormously important to divert individuals who are suffering from an illness to appropriate treatment where their illness would be treated and where their disruptive behavior will not bother others. I'm glad that we are moving forward in a bipartisan manner to approve this.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 2304.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

JUDICIAL ADMINISTRATION AND TECHNICAL AMENDMENTS ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3569) to make improvements in the operation and administration of the Federal courts, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3569

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Judicial Administration and Technical Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Change in composition of divisions of western district of Tennessee.
Sec. 3. Supplemental attendance fee for petit jurors serving on lengthy trials.
Sec. 4. Authority of district courts as to a jury summons.
Sec. 5. Public drawing specifications for jury wheels.
Sec. 6. Assessment of court technology costs.
Sec. 7. Repeal of obsolete provision in the bankruptcy code relating to certain dollar amounts.
Sec. 8. Investment of court registry funds.
Sec. 9. Magistrate judge participation at circuit conferences.
Sec. 10. Selection of chief pretrial services officers.
Sec. 11. Attorney case compensation maximum amounts.
Sec. 12. Expanded delegation authority for reviewing Criminal Justice Act vouchers in excess of case compensation maximums.
Sec. 13. Repeal of obsolete cross-references to the Narcotic Addict Rehabilitation Act.
Sec. 14. Conditions of probation and supervised release.
Sec. 15. Contracting for services for pretrial defendants and post-conviction supervision offenders.
Sec. 16. Judge members of U.S. Sentencing Commission.
Sec. 17. Penalty for failure to appear for jury summons.
Sec. 18. Place of holding court for the District of Minnesota.
Sec. 19. Penalty for employers who retaliate against employees serving on jury duty.

SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''Dyer,'' after ''Decatur,''; and

(B) in the last sentence by inserting ''and Dyersburg'' after ''Jackson''; and

(2) in paragraph (2)—

(A) by striking ''Dyer,''; and

(B) in the second sentence, by striking ''and Dyersburg''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.

SEC. 3. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

(a) IN GENERAL.—Section 1871(b)(2) of title 28, United States Code, is amended by striking ''thirty'' in each place it occurs and inserting ''ten''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''his''.

SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY WHEELS.

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the first sentence.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the second sentence.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended—

(1) in subsection (j), by adding ''and'' at the end;

(2) by striking subsection (k); and

(3) by redesignating subsection (l) as subsection (k).

SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.

Section 1920 of title 28, United States Code, is amended—

(1) in paragraph (2), by striking ''of the court reporter for all or any part of the stenographic transcript'' and inserting ''for

printed or electronically recorded transcripts''; and

(2) in paragraph (4), by striking ''copies of papers'' and inserting ''the costs of making copies of any materials where the copies are''.

SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANKRUPTCY CODE RELATING TO CERTAIN DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsection (b)(1) as subsection (a) and subparagraphs (A) and (B) of that subsection as paragraphs (1) and (2), respectively;

(3) by redesignating subsection (b)(2) as subsection (b);

(4) by redesignating subsection (b)(3) as subsection (c); and

(5) in subsection (c) (as redesignated by paragraph (4) of this section), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

''§ 2045. Investment of court registry funds

''(a) The Director of the Administrative Office of the United States Courts, or the Director's designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director's designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding at the end the following:

''2045. Investment of court registry funds.''.

SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.

Section 333 of title 28, United States Code, is amended in the first sentence by inserting ''magistrate,'' after ''district,''.

SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.

Section 3152 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.''.

SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.

Section 3006A(d)(2) of title 18, United States Code, is amended by adding ''The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of $100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted.'' at the end.

SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEWING CRIMINAL JUSTICE ACT VOUCHERS IN EXCESS OF CASE COMPENSATION MAXIMUMS.

(a) WAIVING MAXIMUM AMOUNTS.—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(b) SERVICES OTHER THAN COUNSEL.—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(c) COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.—Section 3599(g)(2) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.

Section 3161(h) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking ''(b)(2), (b)(3), or (b)(13),'' and inserting ''(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or''.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking ''section 3563(b)(1)'' and all that follows through ''appropriate.'' and inserting ''section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting ''or supervised release'' after ''probation''.

SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DEFENDANTS AND POST-CONVICTION SUPERVISION OFFENDERS.

(a) PRETRIAL SERVICE FUNCTIONS.—Section 3154(4) of title 18, United States Code, is amended by inserting '', and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required'' before the period.

(b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 3672 of title 18, United States Code, is amended in the seventh undesignated paragraph—

(1) in the third sentence, by striking ''negotiate and award such contracts'' and inserting ''negotiate and award contracts identified in this paragraph''; and

(2) in the fourth sentence, by inserting ''to expend funds or'' after ''He shall also have the authority''.

SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMISSION.

Section 991(a) of title 28, United States Code, is amended in the third sentence by striking ''Not more than'' and inserting ''At least''.

SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS.

(a) SECTION 1864 SUMMONS.—Section 1864(b) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' each place it appears and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

(b) SECTION 1866 SUMMONS.—Section 1866(g) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF MINNESOTA.

Section 103(6) of title 28, United States Code, is amended in the second sentence by inserting ''and Bemidji'' before the period.

SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY.

Section 1875(b)(3) of title 28, United States Code, is amended by striking ''$1,000 for each violation as to each employee.'' and inserting ''$5,000 for each violation as to each employee, and may be ordered to perform community service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill contains what we believe are noncontroversial measures proposed by the Judicial Conference to improve efficiency in the Federal courts. Many have passed the House in a prior Congress in similar forms.

The bill makes some realignments in the place of holding court within specified judicial districts so as to better serve local communities. It permits a chief pretrial services officer to be chosen locally by the district court, just like the chief probation officer. It updates the penalty for failure to appear for jury duty, or lying on a questionnaire to avoid jury duty, by raising the maximum fine from $100 to $1,000, and by allowing the judge to impose community service.

The bill also increases the maximum penalty for employers who retaliate against employees who are called to serve on jury duty.

Other updates include making electronically produced information coverable in court costs, and adding magistrate judges to the list who can be included in circuit Judicial Conferences.

I think this bill, while noncontroversial, is certainly important in increasing the efficiency of our judicial

branch, and I hope that we will unanimously support it.

I would reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 3569 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary. These provisions will provide justice for the American people as well.

The Judicial Conference is the policy-making body of the Federal judiciary, and through its committee system, it evaluates court operations. The conference endorses all of the provisions in this bill, which the other body passed by unanimous consent.

S. 3569 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements, and personnel administration.

The House has passed five of the bills' provisions in previous Congresses.

The bill incorporates 18 separate items, including a section that eliminates the noticing and public drawing requirements for selecting names from jury wheels because the process is performed by computers; a section that adds magistrate judges to the list of circuit, district, and bankruptcy judges who may be summoned to attend circuit Judicial Conferences; a section that clarifies a court may bring individuals into court when they do not respond to a jury summons, thus eliminating non-meritorious challenges to an impaneled jury; a section that eliminates an obsolete provision in the Bankruptcy Code relating to the calculation of uniform percentage dollar adjustments; and a section that increases penalties for employers who retaliate against employees serving on jury duty.

Mr. Speaker, S. 3569 is necessary to improve the functioning of the U.S. courts which will ultimately benefit the country and the American people. This is a noncontroversial bill, and I urge my colleagues to support it.

I want to point out that for the third consecutive time now, I have agreed with my colleague from California, Congresswoman ZOE LOFGREN, in supporting this piece of legislation, specifically S. 3569.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. SMITH of Texas. I will be happy to yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just note this bill, while perhaps boring to many Members, is important to us. And it is a measure that we have adopted with so many of these Members in prior Congresses, and yet because they have to do with down-in-the-weeds issues in the Judiciary, they don't always get the attention that they should.

I'm hopeful, and I'm glad, that we have worked so collaboratively together on these but that we can really work in partnership with our other branch of government for some of these efficiency things. They're not big policy issues, but they're things that will make the judiciary more effective. They need our help in many cases to do that. And I think this may be a marker that we're ready to really hold our hands out in that effort.

And I do thank the gentleman for yielding.

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Mr. SMITH of Texas. Mr. Speaker, I just want to reply and say that I agree with the points made by the gentlewoman from California. They are excellent ones, and we might also add that in a bill like this like, so many bills that are considered by the House and that have been marked up and approved by the Judiciary Committee, sometimes we're talking about sort of arcane subject matter, and yet so much of what is incorporated in this bill and so much of what is part of many other bills do help the judicial process. They do help the American people get better justice. They either save the American people time or they make sure that there's a more ethical result as a result of the actions of the court, and in this particular bill, as a result of the actions of the juries themselves.

So bills like this may seem, at first glance, to either be somewhat technical or somewhat even incomprehensible, but at the bottom line they do improve the justice system of the United States, which can give everybody, I think, a sense of confidence that not only does the system work, but it works in this case in a bipartisan way since Members of both parties do support this legislation which improves the justice system.

I would be happy to yield to the gentlewoman from California again if she would like.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding. And as you and I both serve on the Courts and Intellectual Property Subcommittee, and most of what we have done has been on the intellectual property side of that, and important as that work is, this is a measure that the court side also is important.

So, again, I look forward to next year. I think both you and I will return and dig in on some of these issues.

Mr. SMITH of Texas. Reclaiming my time, this being the end of the congressional session, with the expectation that we might well adjourn or go into recess tomorrow until next year, it's not often that we on the House floor can recognize the towns of our colleagues. And I would just like to say in this case that the gentlewoman from California, while she mentioned the Intellectual Property Subcommittee, which reminds me of her talents and her interests in high-tech issues, and she does represent a good part of Silicon Valley, so she comes by her talents and her expertise naturally.

But in addition to that, she was formerly, before coming to Congress, an immigration attorney. She happens to be chairman of the Immigration Subcommittee today, and so she brings to that subcommittee, as she does the Intellectual Property Subcommittee, a number of talents and skills that benefit the House as a whole and benefit the Judiciary Committee, in particular.

So I would just like to thank her for her work these last few years on those subjects and so many other subjects that she brings these skills to and has helped promote both on the floor and in the Judiciary Committee itself.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just like to thank Mr. SMITH for his enormously complimentary and gracious comments. I look forward to working with him next year. I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 3569.

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

A motion to reconsider was laid on the table.

EXTENDING FUNDS FOR COMMUNITY FOOD PROJECTS

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3597) to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3597

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

SECTION 1. COMMUNITY FOOD PROJECTS.

(a) TECHNICAL CORRECTION.—Section 4406(a)(7) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–234; 122 Stat. 1902) is amended by striking ''Food and Nutrition Act of 2008'' and inserting ''Food Stamp Act of 1977''.

(b) ALLOCATION OF FUNDS.—Funds allocated under section 25(b) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b)) for fiscal year 2008 shall remain available until September 30, 2009, to fund proposals solicited in fiscal year 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on S. 3597.

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

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 3597. I thank my colleagues in the Senate. I thank my colleague Mr. GOODLATTE, as well as Mr. HARKIN, for introducing this legislation. I introduced its House counterpart, H.R. 6981.

This bill is, quite simply, a technical fix of the 2008 farm bill.

I want to thank all of my colleagues for their cooperation in bringing this technical fix to the floor. With its passage, we will ensure the fiscal year 2008 funding for a very nutritional program, the Community Food Projects.

Due to an unintended error in title IV of the farm bill, we mistakenly limited USDA's authority to award grants under this program in this fiscal year. This same fix was passed by unanimous consent in the Senate, and CBO has scored this bill at zero.

Community Food Projects is a forward-thinking grant program that encourages innovative local efforts to expand the availability of affordable and healthful foods. This program is critical to those who live in both urban and rural areas who may not have regular access to nutritional foods needed to raise a healthy family.

I urge my colleagues to voice their support for healthy families and vote ''yes'' on S. 3597.

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

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

I thank my colleague, the subcommittee chairman, as well as Chairman PETERSON, for their work, along with others on this side of the aisle, and join them in supporting S. 3597.

This bill makes a technical correction to the Nutrition title of the 2008 farm bill. This measure will ensure funds allocated for Community Food Projects in fiscal year 2008 remain available through fiscal year 2009. Without this correction, valuable grant funding will be lost.

S. 3597 will allow the U.S. Department of Agriculture to carry this funding forward to provide grants that help communities respond to local nutrition issues.

Because of the importance of this funding and the value that communities find in utilizing these funds to help people in need, providing food for them, I urge my colleagues to support S. 3597.

I yield back the balance of my time.

Mr. BACA. Mr. Speaker, again, I want to encourage support for the Community Food Projects. This is a valuable grant. This is a technical error that was done. I thank the gentleman from Virginia (Mr. GOODLATTE) for his support in this bipartisan effort. This is a correction of a technical error.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the Senate bill, S. 3597.

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

A motion to reconsider was laid on the table.

APPOINTMENT OF CHIEF HUMAN CAPITAL OFFICER

Mr. ETHERIDGE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2816

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

SECTION 1. APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER BY THE SECRETARY OF HOMELAND SECURITY.

Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(1) by striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of S. 2816.

This measure seeks to change how the Chief Human Capital Officer is appointed by the Department of Homeland Security. It will bring DHS in line with other Federal agencies who are able to choose whether they have a Chief Human Capital Officer that is a career employee or a political appointee. Granting this authority now is important to transition to the next administration.

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The Chief Human Capital Officer serves as the Department's lead executive for all matters relating to workforce management. Among the responsibilities of the Chief Human Capital Officer are strategic planning, training and development, recruitment, compensation, benefits, and employee relations.

The task of serving as the CHCO at DHS is particularly challenging when you consider that since DHS' inception, it has faced a series of personnel challenges, including; merging 22 separate agencies into one cabinet-level agency with a combined workforce of over 200,000 people; promoting integration among employees and an appreciation of their role within DHS; and confronting ongoing recruitment and retention challenges.

Low employee morale has been a chronic issue for DHS since it was established in 2003. In fact, in both its 2004 and 2006 workforce surveys, the Office of Personnel Management found that DHS' employee morale ranked among the lowest of any cabinet-level department.

In the 2006 OPM survey, the Department was rated ''dead last'' in job satisfaction among its peers and received very low marks on leadership and management capabilities.

Just last year, the Department's own internal Employee Survey revealed that poor morale remained a major problem. Workers cited pay, performance, and promotion practices as some of the sources of their discontent.

Moreover, documented incidents reveal that the management within some of the most prominent DHS components do not value diversity in their operations. This, too, contributes to low morale. These results are clearly unacceptable in our government. The next CHCO has to make it ''job-one'' to tackle the underlying causes of the discontent.

With the change in administration, the next CHCO has an enormous opportunity to turn things around. The Department must properly address employee dissatisfaction by focusing and implementing career development for its employees. DHS should also ensure that its employees receive proper training and adequate resources necessary to get their jobs done.

DHS must recruit the best and the brightest because we're asking them to do one of the most important jobs in the Federal Government, protect this country. These efforts can only be achieved through an effective Chief Human Capital Officer. Unfortunately, over the past 5½ years, six people have held this office at DHS. That is a tremendous turnover. Stable leadership will help DHS address the magnitude and multitude of its workforce management challenges. This legislation will help provide that stable leadership.

I stand in support of this legislation, and urge its passage.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's wonderful to be on the floor here this Saturday evening with you and with my colleague on the full committee. And this is one of several bills that we are bringing to the floor to finish up the work of the Homeland Security Committee for this Congress.

I rise in support of S. 2816, this bill to provide the Secretary of Homeland Security with the authority to appoint the Chief Human Capital Officer at the Department of Homeland Security. The bill was introduced by Senators VOINOVICH and AKAKA, and it repeals a provision in the Homeland Security Act that includes this official among DHS officials to be appointed by the President.

This bill will provide uniformity by allowing DHS to operate under the same guidelines as other Federal agencies, where the head of the agency has the authority to designate the director of human resources.

The Homeland Security Subcommittee on Management, Investigations, and Oversight has held a number of hearings on personnel issues at DHS, and we understand, all of us on the full committee, just how important this bill is.

DHS Undersecretary for Management, Ms. Elaine Duke, has informed Congress about the need for this legislation. Under Elaine Duke's effective leadership and guidance, a number of significant improvements have been made at DHS. She is now overseeing the transition of DHS to the next administration, which is critical to the continued operations of the Department and the security of our Nation.

As everyone in this Chamber knows, the creation of the Department of Homeland Security was the greatest reorganization of the Federal Government since the creation of the Defense Department. And it's had its ups and downs, but I think now it is generally moving in the right direction, and I believe the current Secretary of DHS is to be commended for the tremendous work that he has done.

The Department of Homeland Security Authorization Act for fiscal year 2008 included a number of provisions to strengthen personnel programs and systems at DHS. We in the House passed that bill last year, but the Senate did not. Unfortunately, the House did not act on a DHS authorization bill in 2008. I would hope this would be a priority for the 111th Congress early next year. Until then, I would urge passage of the bill before us today.

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

Mr. ETHERIDGE. Mr. Speaker, in closing, DHS has a lot of room for improvement when it comes to managing its workforce, as we know in the committee. This bill gives the Secretary the authority to put someone into the position that has a career and workforce development in the Federal Government. This is an important step.

I urge passage of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and pass the Senate bill, S. 2816.

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

A motion to reconsider was laid on the table.

COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES

Mr. ETHERIDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1429) expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1429

Whereas it has been 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies;

Whereas, as evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta, Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, citizens across the country and in the world should remain vigilant, prepared, and informed;

Whereas during the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of Government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2008 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, House Resolution 1429 was introduced by Congresswoman CLARKE of New York to recognize September as National Preparedness Month.

Just a couple of weeks ago, the Nation observed the somber anniversary of the September 11 attacks, and we watched Hurricane Gustav and Ike batter the gulf coast. Therefore, September is an appropriate month to commend the men and women of the Department of Homeland Security and the State and local first responders who form the first line of defense against these and other threats. I have always said that you can't have homeland security unless you are prepared to have hometown security, and that preparedness starts a community at a time.

This month is a good opportunity for every American to learn about how they can prepare for all types of emergencies, whether it be a terrorist attack or a natural disaster. We can start by taking four little steps: Get an emergency kit; two, develop and communicate with your family a plan for evacuation and shelter; three, be informed about the types of emergencies that you are likely to face; and four; get yourself and your community involved to be better prepared. Better knowledge is power. We must all do our part to ensure that we learn what to do before an emergency occurs.

So, Mr. Speaker, I rise in support of this House Resolution because I know firsthand that it is best to be prepared, and not scared.

Let us be clear that the dedicated employees of the Department of Homeland Security and other Federal agencies, together with State and local officials and first responders, will do all they can to prepare for, respond to, and recover from acts of terrorism, natural disaster, and other emergencies. But the American people can play a significant role by understanding the simple steps they can take to provide for themselves and their family.

Together, a prepared public and a resourceful and dedicated Department of Homeland Security can truly anticipate how to respond to different types of emergencies. In doing so, we will become a more resilient Nation.

Before I close my remarks, though, I would like to thank Congresswoman CLARKE for introducing the resolution.

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

Mr. DANIEL LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1429, the resolution commemorating the anniversary of the terrorist attacks of September 11; also promoting the month of September as National Preparedness Month, and commending the employees of the Department of Homeland Security and our Nation's emergency response providers and law enforcement agents.

This September, as we know, marks the fifth annual National Preparedness Month and the seventh anniversary of the terrorist attacks on September 11. H. Res. 1429 is a bipartisan resolution commemorating this important anniversary in our Nation's history and reminding all Americans of the importance of emergency preparedness.

While there has not been a terrorist attack on our U.S. soil since September 11, 2001, it is important to remember that terrorists continue to plan attacks against this Nation, its interests, and its allies abroad. It is not by accident that we have not had such a tragedy. It is, in fact, the result of tremendous work by men and women in uniform, in our agencies, first responders, the coordination that's taken place since then, the cooperation we've had with our allies in many, many other countries.

But we must remain vigilant and ensure that all levels of government, nonprofit organizations, the private sector, individuals, and communities continue to prepare for terrorist attacks, natural disasters, or other emergencies.

Each September, various Department of Homeland Security components, along with other Federal, State and local agencies, nonprofit organizations and the private sector take part in events to increase public awareness and encourage individuals to prepare themselves, their families, their businesses and their communities for emergencies.

The Ready Campaign, which is within the Office of Public Affairs at the Department, along with the Citizen Corps Program within the Federal Emergency Management Agency, FEMA, helps educate individuals, families and communities on the steps that they can take to protect their loves ones in an emergency. For instance, individuals are encouraged to get an emergency supply kit, make a family emergency plan, and be informed about different types of emergencies and the appropriate responses thereto.

Since the Ready Campaign and National Preparedness Month were initiated in 2004, the effort has received over $703 million in donated media support. The www.ready.gov Web site has received over 2 billion hits, with almost 30 million unique visitors to the site. And the national 1–800 number has received 345,000 calls.

In addition, Ready has partnered with Scholastic to provide emergency preparedness materials for the classroom to 400,000 teachers, and recently launched a partnership with Sesame Street to help educate preschool-age children and their parents on the need to prepare for emergencies.

This resolution also commends the hard work and dedication of the Federal, State and local government employees, first responders, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prepare for, protect against, and respond to acts of terrorism and other emergencies.

Working together, we can continue to protect this country from terrorists wishing us harm. I urge all Members to join in supporting this resolution.

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

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GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, with that, I would like to yield 5 minutes to the gentlelady who is a sponsor of this resolution, Ms. CLARKE from New York.

Ms. CLARKE. Mr. Speaker, today I rise in support of House Resolution 1429, which recognizes September as National Emergency Preparedness Month. I would like to thank the gentleman from North Carolina (Mr. ETHERIDGE) for managing this very important resolution.

This resolution applauds the public servants at the Department of Homeland Security for their outstanding dedication to securing our Nation. More importantly, the resolution also encourages citizens to prepare themselves and their families to respond to emergencies, whether it's an act of terrorism, a natural disaster or another crisis.

As the sole member of the Committee on Homeland Security who resides in the City of New York, I am keenly aware that one of the most important lessons from the tragic attacks on September 11, 2001 and from Hurricane Katrina is that each and every American must be vigilant about their preparedness for an emergency.

As we all know, with the recent bombing of the Marriott Hotel in Pakistan, terrorism is alive and well and continues to be a very real threat in this world. Likewise, this country has experienced widespread wildfires in the West, numerous tornadoes in the Southeast, overwhelming floods in the Midwest, and late this summer the Gulf States were wracked by Hurricanes Fay, Gustav, Hannah and most recently Ike.

The dedicated workers of the Department of Homeland Security and other Federal agencies successfully coordinated with State and local officials and the private sector to assist with the pre-positioning of lifesaving equipment, evacuation efforts and search-and-rescue methods. Similarly, we saw Members helping their fellow brothers and sisters in their time of need.

This marks the fifth year that DHS has observed September as the National Emergency Preparedness Month. In promoting this, DHS has partnered with over 1,700 organizations, including the American Red Cross, in its efforts

to reach out to the public. Since this is National Emergency Preparedness Month, this is an ideal time for all of us to collectively prepare for all types emergencies. Among the department's recommendations to help Americans prepare for emergencies are: Number one, get a kit. Build a disaster supply kit that includes enough supplies for each family member for 3 days and remember to check the kit every 6 months. Number two, make a plan. Every family should develop, communicate and practice their evacuation or other sheltering. Number 3, be informed about the type of disasters or emergencies that may occur where you live, work and/or play and how they can affect you, your family and community. Number 4, get involved. After preparing yourself and your family for possible emergencies by getting a kit, making a plan and being informed, take the next step in getting involved in preparing your community.

I ask my fellow colleagues to encourage their constituents to visit the Federal government's Citizen Corps website at www.citizencorps.gov to learn how we can bring key community figures together to plan for, mitigate, respond to or recover from an emergency.

I am also happy to note that more than 2,200 State, local, tribal and territorial governments in all States and U.S. territories have formed Citizen Corps Councils, and that every day, new councils are formed in communities around the country.

Before I close my remarks, I would like to thank and express my gratitude to Homeland Security Chairman BENNIE G. THOMPSON and Ranking Member PETER KING for their support for this resolution and their leadership on preparedness issues.

Further, I want to thank the subcommittee chairman, HENRY CUELLAR of the Subcommittee on Emergency Communications, Preparedness and Response for sponsoring H.R. 5890, the Citizen and Community Preparedness Act. Mr. CUELLAR has championed the authorization of Citizen Corps, and he, too, encourages every citizen to get involved to improve their individual and community's preparedness. Mr. Speaker, I also want to thank my Republican colleagues for cosponsoring this resolution. After all, preparedness is not a partisan matter.

In closing, I want to honor all of the sheroes and heroes who dedicate their lives to keeping Americans safe. I urge the citizens of this great Nation to visit the website, www.ready.gov so we can all learn how to be vigilant, alert and prepared for an emergency.

I urge all my colleagues to adopt this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would urge support for this bill.

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

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

Mr. Speaker, as you have heard, H.R. 1429 encourages citizens to prepare themselves and their families on how to respond to emergencies, whether it be an act of terror, a natural disaster or other crisis. This is the fifth year the Department of Homeland Security has partnered with over 1,700 organizations, including the American Red Cross, to promote September as National Preparedness Month. With continuing threats of terrorism and increased frequency and intensity of natural disasters, Americans should prepare themselves, their families and their communities.

Everyone should do the four things we talked about. Get an emergency kit. Prepare and communicate to family and friends their evacuation and shelter plans. Be informed about the type of emergencies, and get the family and community involved.

Constituents should be encouraged to visit the following website. You have heard it twice already, www.ready.gov or www.redcross.org.

In closing, H.R. 1429 enjoys broad bipartisan support. I encourage the adoption of this resolution.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of House Resolution 1429 which applauds the public servants at Department of Homeland Security for their outstanding dedication to securing our Nation.

More importantly, House Resolution 1429 encourages citizens to prepare themselves and their families to respond to emergencies—whether it is an act of terror, natural disaster and other crisis.

The Department of Homeland Security has partnered with over 1,700 organizations, including the American Red Cross, to promote September as the National Preparedness Month.

In fact, this is the 5th year that the Department of Homeland Security has observed September as the National Emergency Preparedness Month.

As a former volunteer firefighter, I know that lives are saved when the public takes steps to prepare for the worst.

Likewise, as the Chairman of the Homeland Security Committee, I want the people of this Nation to take the necessary steps to prepare themselves in the event of an emergency.

Constituents should be encouraged to visit the following websites to get information on how to be prepared for different types of emergencies: www.ready.gov and www.redcross.org.

Among the Department's recommendations to help Americans prepare for emergencies are:

1. Get a Kit—Build a disaster supplies kit that includes enough supplies for each family member for three days and remember to check the kit every six months. Be sure that the kit includes water, food, medicine, batteries, flashlights, hygiene materials, blankets, etc.

2. Make a Plan—Every family should develop and communicate with each other their evacuation or sheltering plan. The plan should correspond to the school, work and community of every member of the family. All families are encouraged to practice this plan to ensure familiarity with evacuation or meeting routes, have cell phones charged and have a charger in the car.

It should be known that at times it may be easier to make a long-distance phone call than to call across town, so an out-of-town contact may be in a better position to communicate among separated family members.

Also every family should have a secure location of important documents such as, insurance papers, etc.

3. Be informed about the type of disasters or emergencies that may occur where you live, work and play and how they can affect you, your family and community. In other words do you live in a place prone to hurricanes, tornadoes, earthquakes, etc? Every citizen should also learn about what to do in the event of a biological, chemical, explosive, nuclear or radiological attack.

It is important to identify how authorities will notify you and how you will get important information.

You should learn what you can do to prepare for that emergency as well as first aid, CPR and disaster training.

Consider sharing what you have learned with your family, neighbors and friends.

4. Get Involved—After preparing yourself and your family for possible emergencies by getting a kit, making a plan and being informed, take the next step and get involved in preparing your community. The American public should visit the www.citizencorps.com website to learn about how Citizen Corps brings together community, emergency and government leaders to involve community members in emergency preparedness, planning, mitigation, response and recovery.

More than 2,200 state, local, tribal and territorial governments in all 56 states and U.S. territories have formed Citizen Corps Councils, and every day new Councils are formed in communities around the country.

These Councils assist with outreach and educational efforts to the public; training and exercises that effectively integrate emergency responders, volunteers with a response role, and the general public; and volunteer programs that support emergency response services.

I conclude by asking my colleagues to adopt this resolution.

Mr. ETHERIDGE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and agree to the resolution, H. Res. 1429.

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

A motion to reconsider was laid on the table.

NAVAL VESSEL TRANSFER ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7177) to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7177

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

TITLE I—NAVAL VESSEL TRANSFER

SECTION 101. SHORT TITLE.

This title may be cited as the ''Naval Vessel Transfer Act of 2008''.

SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer the vessels specified in paragraphs (1), (3), and (4) of section 501(a) of H.R. 5916 of the 110th Congress, as passed the House of Representatives on May 15, 2008, to the foreign recipients specified in paragraphs (1), (3), and (4) of such section, respectively, on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

TITLE II—UNITED STATES ARMS EXPORTS

SEC. 201. ASSESSMENT OF ISRAEL'S QUALITATIVE MILITARY EDGE OVER MILITARY THREATS.

(a) ASSESSMENT REQUIRED.—The President shall carry out an empirical and qualitative assessment on an ongoing basis of the extent to which Israel possesses a qualitative military edge over military threats to Israel. The assessment required under this subsection shall be sufficiently robust so as to facilitate comparability of data over concurrent years.

(b) USE OF ASSESSMENT.—The President shall ensure that the assessment required under subsection (a) is used to inform the review by the United States of applications to sell defense articles and defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to countries in the Middle East.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the President shall transmit to the appropriate congressional committees a report on the initial assessment required under subsection (a).

(2) QUADRENNIAL REPORT.—Not later than four years after the date on which the President transmits the initial report under paragraph (1), and every four years thereafter, the President shall transmit to the appropriate congressional committees a report on the most recent assessment required under subsection (a).

(d) CERTIFICATION.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

''(h) CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.—

''(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include a determination that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

''(2) QUALITATIVE MILITARY EDGE DEFINED.—In this subsection, the term 'qualitative military edge' means the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.''.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) QUALITATIVE MILITARY EDGE.—The term ''qualitative military edge'' has the meaning given the term in section 36(h) of the Arms Export Control Act, as added by subsection (d) of this section.

SEC. 202. IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING WITH ISRAEL.

(a) IN GENERAL.—Of the amount made available for fiscal year 2009 for assistance under the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763) (commonly referred to as the ''Foreign Military Financing Program''), the amount specified in subsection (b) is authorized to be made available on a grant basis for Israel.

(b) COMPUTATION OF AMOUNT.—The amount referred to in subsection (a) is the amount equal to—

(1) the amount specified under the heading ''Foreign Military Financing Program'' for Israel for fiscal year 2008; plus

(2) $150,000,000.

(c) OTHER AUTHORITIES.—

(1) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests the United States to provide assistance for fiscal year 2009 for the procurement of advanced weapons systems, amounts authorized to be made available for Israel under this section shall, as agreed to by Israel and the United States, be available for such purposes, of which not less than $670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(2) DISBURSEMENT OF FUNDS.—Amounts authorized to be made available for Israel under this section shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2009, or October 31, 2008, whichever occurs later.

SEC. 203. SECURITY COOPERATION WITH THE REPUBLIC OF KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) Close and continuing defense cooperation between the United States and the Republic of Korea continues to be in the national security interest of the United States.

(2) The Republic of Korea was designated a major non-NATO ally in 1987, the first such designation.

(3) The Republic of Korea has been a major purchaser of United States defense articles and services through the Foreign Military Sales (FMS) program, totaling $6,900,000,000 in deliveries over the last 10 years.

(4) Purchases of United States defense articles, services, and major defense equipment facilitate and increase the interoperability of Republic of Korea military forces with the United States Armed Forces.

(5) Congress has previously enacted important, special defense cooperation arrangements for the Republic of Korea, as in the Act entitled ''An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea'', approved December 30, 2005 (Public Law 109–159; 119 Stat. 2955), which authorized the President, notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), to transfer to the Republic of Korea certain defense items to be included in a war reserve stockpile for that country.

(6) Enhanced support for defense cooperation with the Republic of Korea is important to the national security of the United States, including through creation of a status in law for the Republic of Korea similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, and New Zealand, with respect to consideration by Congress of foreign military sales to the Republic of Korea.

(b) SPECIAL FOREIGN MILITARY SALES STATUS FOR REPUBLIC OF KOREA.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b), 36(c), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting ''the Republic of Korea,'' before ''or New Zealand'' each place it appears;

(2) in section 3(b)(2), by inserting ''the Government of the Republic of Korea,'' before ''or the Government of New Zealand'';

(3) in section 21(h)(1)(A), by inserting ''the Republic of Korea,'' before ''or Israel''; and

(4) in section 21(h)(2), by striking ''or to any member government of that Organization if that Organization or member government'' and inserting '', to any member government of that Organization, or to the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this bill reflects the bipartisan text agreed by the other body that incorporates several provisions from H.R. 5916, the Berman/Ros-

Lehtinen/Sherman/Manzullo Security Assistance and Arms Export Control Reform Act of 2008 that the House passed in May.

It authorizes the Department of the Navy to transfer surplus U.S. Navy vessels to friendly countries which Congress does on an annual basis. It strengthens the vital security relationship with our close friends and allies, South Korea and Israel. Building on the work of Representative ROYCE, U.S. law will now add South Korea to the list of countries in the Arms Export Control in the same way as NATO, Australia, New Zealand and Japan. This is a significant symbolic recognition of the critical importance of South Korea to U.S. national security and to peace and stability throughout East Asia.

It also requires the administration to empirically assess on an ongoing basis the State of Israel's ''Qualitative Military Edge,'' we call it QME, against conventional or nonconventional security threats, to report that assessment to Congress every 4 years, and to use that assessment when reviewing arms exports to other countries in the Middle East.

Every President since Lyndon Johnson has affirmed the U.S. commitment to Israel's Qualitative Military Edge against potential enemies. But unfortunately it has become clear the administration uses subjective judgment when evaluating Israel's QME. The State and Defense officials have admitted there is no objective empirical method for evaluating this critical measure of whether or not Israel maintains a qualitative superiority over potential threats to its security.

It is also clear that by such subjective evaluations are performed sale by sale and country by country without clear, overall consideration of the balance of capabilities possessed throughout the region that conceivably affect Israel's security.

This provision would remedy this glaring lack of a robust mechanism to make security and export decisions that could undermine the security of one of the most important friends and allies that we have in the Middle East. The bill also authorizes security assistance to Israel, including implementing the recent U.S.-Israel Memorandum of Understanding Regarding Security Assistance.

It is fitting that on the 60th anniversary of Israel, the U.S. renews and strengthens its relationship with a most important friend in the region. It deserves all the support we can muster.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank my good friend, the chairman of our committee, HOWARD BERMAN. It is a delight to work with him in a bipartisan manner, and I appreciate the close cooperation that we've enjoyed in these months.

Mr. Speaker, I rise in support of H.R. 7177, a measure to authorize certain naval vessel transfers, to strengthen U.S. security assistance to Israel and to upgrade the foreign military sale status of our allies in the Republic of Korea. Mr. Speaker, this bill contains many provisions identical or similar to those contained a bill previously passed by this House this spring, H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008.

The bill before us strengthens the U.S. commitment to the security of our dear friends in Israel by requiring an objective analysis of Israel's military capability with respect to conventional and unconventional threats while authorizing an increase in U.S. foreign military financing that is consistent with the August 2007 U.S.-Israel memorandum on military assistance. These provisions are of vital importance because as we all know, Israel is surrounded by a number of threats which threaten its very survival.

Thus, the provisions in this bill enhancing our relationship with Israel are critical to Israel's security but also to our vital interests in the region.

This legislation also upgrades the Foreign Military Sales status of our staunch ally, the Republic of Korea. Elements of this provision were included in H.R. 5443 which passed the House earlier this week. This upgrade is an important symbol of a renewed and transformed U.S.-ROK alliance. It reaffirms that South Korea continues to be a close and a much-valued strategic ally of the United States in a relationship that is, and must remain, a bedrock of stability in Northeast Asia.

Mr. Speaker, our actions here tonight will help to advance a new strategic framework for the alliance, not only for the purpose of managing a range of North Korea contingencies, but also to cement a common, democratic partnership for the 21st century.

Finally, Mr. Speaker, this bill authorizes the grant of surplus Navy vessels. According to our Secretary of the Navy, these proposed transfers would improve our political and military relationship with these countries.

□ 2000

The United States would also incur no cost in transferring these vessels, as the recipients would be responsible for all costs associated with the transfers.

I urge support for this important measure, Mr. Speaker.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I have no further requests for time. I simply want to express my deep appreciation to my ranking member. We have been working together now for 7 or so months. We are not always perfect in our dealings, but it is a lot more good than bad, and getting better. I am grateful for her support and understanding of all the different shifts in these kinds of things, and I am glad to have her support for this bill.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would also like to reiterate the warm friendship and great cooperation that we have gotten from our chairman, both as Members and as members of our staff coordinate these sometimes thorny bills, controversial measures, and we are able to compromise and come to an agreement and understanding and help the House develop a good foreign policy for this greatest nation in the world, the United States of America. It is an honor for me to work with Chairman BERMAN.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7177.

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

A motion to reconsider was laid on the table.

WEBCASTER SETTLEMENT ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7084) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7084

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Webcaster Settlement Act of 2008''.

SEC. 2. AGREEMENTS ON BEHALF OF WEBCASTERS.

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''small commercial'' each place it appears and inserting ''commercial'';

(B) by striking ''during the period beginning on October 28, 1998, and ending on December 31, 2004'' and inserting ''for a period of not more than 11 years beginning on January 1, 2005'';

(C) by striking ''a copyright arbitration royalty panel or decision by the Librarian of Congress'' and inserting ''the Copyright Royalty Judges''; and

(D) in the second sentence, by striking ''webcasters shall include'' and inserting ''webcasters may include'';

(2) in subparagraph (B), by striking ''small commercial'' and inserting ''commercial'';

(3) in subparagraph (C)—

(A) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(B) by striking ''small webcasters'' and inserting ''webcasters''; and

(C) by adding at the end the following: ''This subparagraph shall not apply to the extent that the receiving agent and a webcaster that is party to an agreement entered into pursuant to subparagraph (A) expressly authorize the submission of the agreement in a proceeding under this subsection.'';

(4) in subparagraph (D)—

(A) by striking ''the Small Webcasters Settlement Act of 2002'' and inserting ''the Webcaster Settlement Act of 2008'' ; and

(B) by striking ''Librarian of Congress of July 8, 2002'' and inserting ''Copyright Royalty Judges of May 1, 2007''; and

(5) in subparagraph (F), by striking ''December 15, 2002'' and all that follows through ''2003'' and inserting ''February 15, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 7084, the Webcasters Settlement Act of 2008, which grants authority to relevant parties to negotiate an alternative royalty rate for the use of music on Internet radio stations under the existing government compulsory license.

This license gives webcasters the privilege of using copyrighted recorded music at a government-mandated rate determined by the Copyright Royalty Judges.

The recent government rate was determined on March 2, 2007. After considering voluminous written submissions and 48 days of trial testimony that filled 13,288 pages of transcript, the Copyright Royalty Judges determined fair, marketplace-based rates, averaged over a 5-year rate period. The judges followed their authorizing statute and carried out their duties in a fair and impartial manner. Both sides were able to present thorough cases and the judges came to a fair result based on the evidence presented.

Since that determination, certain webcasters have requested that copyright owners enter into negotiation to offer an alternative rate for webcasters who meet unique conditions, and requested that the Committee on the Judiciary facilitate such negotiations. These negotiations have been proceeding in earnest over the past 2 months, and the parties are making considerable progress.

Because the parties will not be able to finish their negotiations before Congress recesses, however, and because authority by Congress is required for a settlement to take effect under the government compulsory license, we are pushing this legislation that will grant such authority and hope the negotiations will continue in a positive direction for both sides.

I might add that the issue of broadcasters who are doing or want to do webcasting negotiations in that area also will be starting in the immediate future.

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

Mr. BERMAN. I yield myself 1 additional minute.

It is an important principle that negotiations are more appropriate before the copyright royalty proceeding. However, these conversations that have taken place under the committee's auspices are occurring in unique and extraordinary political and business circumstances and are unlike typical marketplace negotiations.

This bill provides that any alternative private deal-making or any private deal regarding an alternative rate would not be precedential, unless, of course, the parties agreed that it should be. Some of the rates that are being discussed represent a large discount, a huge discount from what independent decisionmaking bodies have found to be marketplace rates, and less than what I understand many webcasters have been paying since the judges reached their decision.

Neither this deal nor this bill should be understood as a criticism of the judges' decision, and I would expect marketplace rates to be higher and at least a reflection of what the judges decided absent the distinct circumstances that apply here.

I hope this legislation will make it easier for more music to be performed online by paying services, and also that there will be an increase in compensation to creators.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7084, the Webcasting Settlement Act of 2008, grants limited statutory authority to SoundExchange, the government designated entity responsible for disbursing webcasting royalties. Specifically, the bill gives SoundExchange the ability to enter into and negotiate agreements with webcasters for the performance of sound recordings over the Internet.

As background, the Copyright Royalty Board last year issued its final rate determination in a webcasting proceeding. That decision, which was the product of a lengthy and extensive adjudicatory process open to all parties, has withstood all legal challenges in the D.C. Court of Appeals.

In issuing its final ruling, the CRB established the market rates and terms for the performance of statutorily licensed Internet streamed music for a 5 year period that ends December 31, 2010.

Preferring voluntarily negotiated settlements to the continuation of adversarial legal proceedings, SoundExchange and representatives from both the commercial and noncommercial webcasting operators have been attempting to craft a compromise that might end this litigation and provide certainty to sound recording copyright owners and webcasters alike.

While progress has reportedly been made, the law does not permit a successfully negotiated agreement to be given effect after the CRB has issued its final ruling. To provide the needed flexibility, the Webcaster Settlement Act of 2008 provides a limited window of time to enable the parties to try and reach a voluntary accord.

In supporting this legislation and approach, I believe it is particularly important that SoundExchange reach out and expand the number of webcasting representatives with whom they have been meeting. This will ensure all legitimate points of view are considered in negotiating settlements. This authority will accomplish little in the long run if the interests of the public and all significant stakeholders are not carefully weighed and reflected in the final agreements.

In closing, Mr. Speaker, I note this proposal is similar to the manner in which Congress resolved a webcasting royalty dispute in 2002.

While there are significant differences between H.R. 7084 and the earlier law, this bill is needed at this time. If this authority is utilized properly, it will benefit the public.

I urge my colleagues to support H.R. 7084.

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

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Washington (Mr. INSLEE), the author of this legislation. The gentleman has been very focused on this issue since the time the Copyright Royalty Board came down with what I view as a just decision, but which others may have a different opinion of.

Mr. INSLEE. Mr. Speaker, I am delighted to be here tonight to help pass the Webcaster Settlement Act of 2008. The reason is I really do believe the upshot of this legislation will be the survival of webcasting as we know it in the United States, to really allow our consumers and our constituents to continue to enjoy tremendous opportunities to listen to great music and great news over the Internet, and allow the continued development of businesses around the business model of webcasting.

I am very appreciative of Chairman BERMAN and his efforts to facilitate discussions to help resolve this difficult issue and to the ranking member, Mr. SMITH, who is a cosponsor of this legislation. This really is a bipartisan effort to find a resolution to a difficult issue.

As Mr. BERMAN indicated, there is a wide divergence on what the right royalty to pay is. Certainly a lot of businesses were jeopardized by this decision. I just note one that led to this relief. Big R Radio, it is actually in the State of Washington where I hail from, under the CRB decision that gave rise to this issue, it would have caused Big R Radio to exceed by 150 percent of their revenues what they would have to pay in royalties.

□ 2015

We have heard many businesses would be in that situation.

We have been engaged now for some period of time, discussions to try to find a resolution and agreement between those who are webcasters, who have big dreams, and providing tremendous music to allow them to continue.

We hope that those will succeed. We think that we are close to a successful resolution of those discussions. Mr. BERMAN has been very helpful in that regard.

But to get there, we need to have this bill to make sure that when an agreement is reached, that it has, in fact, the sanction of the United States. This bill is really kind of simple. It just basically says that the parties, if they can reach an agreement, Uncle Sam will not get in the way. Certainly that makes sense from all standpoints on both sides of the aisle.

I just want to note how important it is. I know many people have been interested in this in the last few days to encourage Congress to pass this legislation. Webcasting really has become a fabric of people's daily lives.

I want to read one quote from Luis Jimenez, who is involved in Live365 network. He is from Frederick, Maryland. This is a quote:

''Internet radio gave me the freedom to put together my own format station without having to be a cookie-cutter station. Listeners and musicians love it because of the variety of music and the fact local and independent artists are played.'' That's a quote from the Frederick News Post.

This is really why our constituents love this service. We want to find a business model where webcasting can thrive, where consumers can listen, and, at some point, terrestrial broadcasters who will be able to simulcast under this the legislation, they will be able to access the benefit of this legislation, and they will be involved in negotiations to find a right, appropriate level.

I am delighted by the passage of this, and I thank all involved in this effort.

Mr. SMITH of Texas. Mr. Speaker, first I want to thank the gentleman from Washington (Mr. INSLEE) for his comments.

I would like to yield as much time as he may consume to my colleague on the Judiciary Committee, the gentleman from Utah (Mr. CANNON) who is now serving as the ranking member of the Administrative and Commercial Law Subcommittee of the Judiciary Committee.

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 7084, the Webcasters Settlement Act of 2008.

I want to thank my friend, Chairman BERMAN, for his tireless work on this issue, as well as Mr. INSLEE, Ms. ZOE LOFGREN and the ranking member of the Judiciary Committee, Mr. SMITH.

Since the CRB's ruling in March of 2007, the stakeholders, including the Digital Media Association, NPR and RIAA, have been negotiating for a lower rate to preserve the existence of Internet radio as we know it.

We know that the rates set by the CRB would have killed Internet radio, and today we stand on the cusp of a major breakthrough after months of difficult negotiations between the private parties. This bill does nothing to affect the scope of performance rights or make any other changes to the underlying copyright law. It clearly does not affect broadcasters. They will not be bound by any settlement, negotiated settlement or settlement agreement.

This bill simply clears the path for the private negotiations to continue while Congress is in recess. I have long opposed congressional mandates and other government impositions on private parties.

I urge my colleagues to support this legislation. It simply gives the webcasters and copyright holders the freedom to continue the negotiation process.

Without this legislation, negotiation could not continue, and all parties would be bound by the CRB decision.

Mr. Speaker, this is likely to be the last time I address the House, at least for some time, and I would like to take a moment to thank the Judiciary Committee staff, and the majority staff, and minority staff, for their tireless work, and for the floor staff of both the majority and minority parties who have been amazingly good at keeping things moving here.

Finally, I would like to thank our wonderful clerical staff who keep things moving and have made this such a pleasant and wonderful place to do business. I think I should also like to add thanks to our security for the floor for the wonderful support they have been.

Mr. BERMAN. I have great admiration and respect for the previous speaker, Mr. CANNON, who will be moving on from this body soon.

Mr. Speaker, I want to recognize a key person in all of this process on webcasting rates, a member of our subcommittee, a very active member of our subcommittee, the gentlelady from California, for as much time as she may consume.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of the Webcaster Settlement Act. Since the Copyright Royalty Board announced its decision dramatically increasing royalty rates for webcasters, Internet radio has really been in serious jeopardy. In some cases, fees under the ruling actually exceeded the revenue, obviously a business model that is impossible to sustain.

Because the demise of Internet radio is absolutely in no one's interest, not in the stakeholders, Members of Congress have worked very hard to reach a negotiated compromise that would supersede the CRB decision and preserve the continued viability of Internet radio.

I particularly want to commend Representative BERMAN for his work in bringing the parties together. They were very far apart, and his personal attention to this has been a key element for this progress.

This act buys some time for the negotiations to continue, removes the statutory impediment to implementation of a negotiated compromise, and I am very hopeful that we will achieve what we wish.

The alternative to this legislation would be a court-imposed solution that would drive many of the newest and most promising innovators like Pandora, located in Alameda County, out of the marketplace. It's not just the providers of content, it's the American public, indeed the world, that is able to use the digital world for access to content. We don't want, any of us, to stand in the way of that.

I just want to take a minute here, because this may be the last time that I have an opportunity to work on a bill on this floor with Congressman CANNON, who will not be returning to the 111th Congress.

I just want to say, if you look at Congressman CANNON's record and mine, you will find very different records, one of the most conservative Members of Congress, and I am not.

But I will say that working with Congressman CANNON is a tremendous honor, because he is a very smart guy and he is very focused. There are never any games working with him. It's always what can he see that's in the public's interest. When you can work with someone like that, even though it's a conservative and a nonconservative, you can make progress.

It's just been an honor to work with Congressman CANNON. He has served his district, his State and his country with tremendous distinction. I just want to thank him for all he has done. I know he will have many other things to contribute in the private sector, but it's really been an honor to work with him.

Mr. SMITH of Texas. I too want to thank the gentleman from Utah (Mr. CANNON), my colleague on the Judiciary Committee, for his service to this institution and to our country.

CHRIS CANNON has served, while he has been on the Judiciary Committee, both as the chairman of the Commercial and Administrative Law Subcommittee, and as ranking member, a position he holds right now.

The gentleman from Utah has brought to that position an incredible knowledge and expertise and commitment to so many issues that impacts so many Americans in this country today.

He has, in my judgment, that rare blend of a sense of humor and a seriousness of purpose that make him an ideal Member of Congress. Those talents and those skills and his dedication to Congress and to our country will be missed, but we look forward to staying in touch with him and wish him well in his next adventure.

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

Mr. BERMAN. I am pleased to yield again to the sponsor of this bill an additional minute.

Mr. INSLEE. Mr. Speaker, I do also want to express my great respect for the previous speaker, Representative CANNON. He is a fellow of such great heart and cheerful countenance, it has been a pleasure to serve with him. He and I now belong or shortly will belong to an elite group. He will be joining the Former Members of Congress. I am also a member of the Former Members of Congress.

I just want to relate to him that many of us who are not serving at one time, it is a respectful and honorable position to be in. I want his family to know how much we respect his service. We know he is going to go on to do great things for his community and his family.

Congressman, I would like to tell you how much we respect you. Hope you come by and say hello on occasion. Congratulations.

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

I just want to take a moment, the irony of both Mr. SMITH and Mr. CANNON being on the floor at the same time. For so many years, I was on Ethics Committee with Mr. SMITH as chairman during a big part of that time, on the Immigration Committee with Mr. SMITH being chairman for a part of that time, and on Intellectual Property, when Mr. SMITH was chairman for a serious part of that time.

I hate to say this in front of the ranking member of the Judiciary Committee, but with the gentleman from Utah, with whom I worked so closely on so many different aspects of the immigration issue, I will sorely miss you.

We didn't agree as much on all the intellectual property issues as we did on the immigration issues. But the other side of the coin is, I didn't agree with the ranking member of Judiciary on the immigration issues as much as I did on the intellectual property issues.

But in both cases it has really been a delight to work with both of you, and particularly you, Mr. CANNON, because at least for now you won't be back here next year. I will miss both your person and your work on these issues, and we shall prevail.

Mr. CANNON. Would the gentleman yield?

Mr. BERMAN. I do.

Mr. CANNON. This is an amazing, actually, pass. Mr. INSLEE and I, of course, have worked on the Natural Resources Committee together and differed sharply on many issues, but never unpleasantly.

This is an amazing pass where people of such divergent views are together on the same issue. It's a nice send-off. I appreciate your kind comments and those of the gentlelady from California and the gentleman from Washington and the gentleman from Texas.

Mr. BERMAN. Mr. Speaker, in closing, I just want to say that we have before us legislation that is supported by the DMA association, the Digital Media Association and the Sound Exchange, the collection agency, as well as their component memberships, including the labels, the performers, the musicians, the backup singers, National Public Radio, the small webcasters. I should report, based on the conversations and an amendment that extends till February 15 the deadline, this bill does not have the opposition of the National Association of Broadcasters.

I urge the passage of H.R. 7084 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7084, as amended.

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

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2030

HISTORIC MOMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, you know, people often come up and say we are at an historic moment. Every moment is a part of history because at some time what we are doing is going to be recorded but we really are at another defining moment in American history here this week and this weekend.

And the American people need to know that House Republicans are fighting for the right values and for what 99 percent of Americans have been telling us for the past week. I am also happy to report that most House Republicans agreed with their constituents even before they began hearing from their constituents, and that's a good thing for the American people to know because that means our resolve is even stronger than it would have been if some of our Members had been of a different mind but changed their mind once they started hearing from their constituents.

House Republicans are fighting to ensure that the rescue bill, the economic rescue bill doesn't give a blank check to Wall Street at the expense of taxpayers on Main Street. People have been calling me all day today. I had a call just before I came on the floor asking me are we all right. I am here to reassure the American people that from our side of the aisle we are all right. We are doing fine, and we are standing strong. And I think it is very important that we say that.

But I think also we need to say what some of the specific things we are fighting for and we are fighting against. We are fighting to make sure that we don't slide into socialism in this country. And we are fighting against the special interests, the pork barrel and the very groups that helped get us into the situation that we are in now. I want to say that we are working hard to get out of any bill that is presented here that has pork barrel provisions added by the Democrats, that would reward the people who support them and give them all their money.

Let me talk about three of those groups. Number one, the trial lawyers. Believe it or not, the Democrats have figured out a way to put into this economic recovery bill a great gift to the trial lawyers, and that is something that is called around here a cram down provision.

It would allow people who don't think their mortgage rate is fair to go to a bankruptcy judge and ask that bankruptcy judge to change the conditions of their mortgage. That is an abomination. But what it would do is give a lot of work to trial lawyers. We have said there is a marker here, we will not vote for any economic recovery plan that is going to do that because it would undermine the effectiveness of any economic recovery effort by making it even harder to value these securities.

There is another gift in the draft presented by the Democrats to big labor. This gives Washington's powerful big labor bosses a big handout by having them have ''say on pay'' or proxy access provisions that the Democrats have added to this.

And then a group that people have asked me about ACORN. There is a big gift in here to that group. It includes a giveaway that would force taxpayers to bankroll a slush fund to a discredited ally of the Democratic Party. ACORN's fraudulent voter registration activities on behalf of Democratic candidates are well known.

This bill that the Democrats have presented would return any profits made in the long term from the economic rescue package partly back to ACORN. In fact, the first part of it would go to ACORN for their often-illegal help in helping Democrats get elected.

I have, Mr. Speaker, a long list of their most recent scandals and unlawful activities. Seven ACORN workers

were charged with committing the biggest voter registration fraud in Washington State history. That was from the Seattle Times.

Another article from the Wall Street Journal, ''Late last year, a handful of ACORN canvassers in Washington State admitted that they had falsified voter registrations by illegally filling out hundreds of forms with names such as Dennis Hastert, Leon Spinks and Fruito Boy Crispila.''

I don't have time in the short time I have available to read all of these excerpts from articles, but I would like to put them all in the RECORD.

Mr. Speaker, I want the American people to know, Republicans are fighting for you.

''ACORN is a long-time advocacy group with whom Obama was once associated. Recently, though, ACORN workers in two states have pleaded guilty to election fraud, an unlikely recipient of federal largess.'' Fox News Report, 9/26/08.

''Seven ACORN workers were charged with 'committing the biggest voter-registration fraud in [Washington] state history.' '' The Seattle Times, 7/26/07.

ACORN workers submitted ''just over 1,800 new voter registration forms, but there was a problem. The names were made up—all but six of the 1,800 submissions were fakes... The ACORN workers told state investigators that they went to the Seattle public library, sat at a table and filled out the voter registration forms. They made up names, addresses, and Social Security numbers and in some cases plucked names from the phone book. One worker said it was a lot of hard work making up all those names and another said he would sit at home, smoke marijuana and fill out the forms.'' Fox News Channel, 5/02/08.

''Late last year, a handful of ACORN canvassers in Washington state admitted that they had falsified voter registrations by illegally filling out hundreds of forms with names such as Dennis Hastert, Leon Spinks and Fruito Boy Crispila.'' Wall Street Journal, 7/31/08.

''Eight workers for a get-out-the-vote effort in St. Louis city and county have pleaded guilty to federal election fraud for submitting false registration cards for the 2006 election, authorities said today. The workers were employed by the Association of Community Organizations for Reform Now (ACORN), gathering voter registrations.'' Associated Press, 4/02/08.

''Acorn has had a number of missteps. This month its founder, Wade Rathke, resigned after news emerged that his brother Dale had embezzled nearly $1 million from Acorn and affiliated groups eight years ago—information the group kept from law-enforcement authorities and most members. Dale Rathke left the organization only last month.'' Wall Street Journal, 7/31/08.

So how exactly will ACORN be rewarded if the Democrats get their way? Very simple: behind closed doors, ACORN-friendly language was slipped into the Democratic economic rescue proposal by Senate Banking Committee Chairman Chris Dodd (D–CT) and House Financial Services Committee Chairman Barney Frank (D–MA). Take a look:

Transfer of a percentage of profits.

1. Deposits. Not less than 20 percent of any profit realized on the sale of each troubled asset purchased under this Act shall be deposited as provided in paragraph (2).

2. Use of deposits. Of the amount referred to in paragraph (1)

1. 65 percent shall be deposited into the Housing Trust Fund established under section 1338 of the Federal Housing Enterprises Regulatory Reform Act of 1992 (12 U.S.C. 4568); and

2. 35 percent shall be deposited into the Capital Magnet Fund established under section 1339 of that Act (12 U.S.C. 4569).

Remainder deposited in the Treasury. All amounts remaining after payments under paragraph (1) shall be paid into the General Fund of the Treasury for reduction of the public debt.

What does this mean? The Wall Street Journal breaks it down in an editorial published today:

''What we have here essentially are a pair of government slush funds created in July as part of the Economic Recovery Act that pump tax dollars into the coffers of low-income housing advocacy groups, such as Acorn.''

''Acorn, one of America's most militant left-wing 'community activist groups,' is spending $16 million this year to register Democrats to vote in November. In the past several years, Acorn's voter registration programs have come under investigation in Ohio, Colorado, Michigan, Missouri and Washington, while several of their employees have been convicted of voter fraud...''

That's right. Rather than returning any profits made in the long-term from the economic rescue package, Democrats want to first reward their radical allies at ACORN for their help—often illegal help—in getting Democrats elected to office. Families, seniors, small businesses, and all American taxpayers deserve better than what Democratic leaders are attempting to jam down their throats.

The rescue package should not become a ''Christmas tree'' for the Democratic Majority's far-left wing political agenda that seeks to shower taxpayer dollars upon groups like ACORN. On behalf of beleaguered taxpayers across the nation, House Republicans will continue to fight to remove the ACORN payback and any other Democratic poison-pills from the economic rescue package.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Colorado (Mr. TANCREDO) is vacated.

There was objection.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TANCREDO. Mr. Speaker, I come to the floor tonight to speak on a subject that I have spoken on many, many times over the course of my career in this Congress. This will be the last time I will be able to address this body in a Special Order on this particular issue.

I am reminded of nearly a decade ago when I arrived in the House of Representatives in 1999 and there was really no organized effort to facilitate a discussion on the critical issue of immigration and immigration reform. The task I felt at that time was to bring it to the Nation's attention any way I could, being one Member of the House and as a freshman, there are relatively few ways to accomplish that goal. One way was to address the House through the Special Order process, and I did that night after night after night.

I would sometimes walk away from here thinking it may have been a futile gesture. I would leave here and it would be quite late walking across to my office in Longworth, and I would look back at the Capitol dome and I would see the light shining on it and I would think about the importance of what I was trying to accomplish here. And at my office, there were always lights on the phones, I could see people calling and hear the fax machine going, and I knew there were people out there who were listening to this discussion and who were responding to it and that always gave me the energy to continue the discussion, to come back the next night and do whatever I could to get people to focus on what I considered to be and what I still consider to be one of the most serious problems facing the Nation. Certainly it is one of the most serious domestic problems facing the Nation.

Now we are talking about a financial crisis and it has sucked up all of the energy in the room and all of the energy on Capitol Hill. All of the oxygen has been sucked up by this discussion, and I understand why. It is a crucial issue, crucial to our constituents and enormously important throughout the world, as a matter of fact.

It is important I think also to recognize there is an aspect of this discussion which does go back to the original issue of illegal immigration into the country, and it is no small part of the problem that we now face.

Several months ago in my own county, Jefferson County, Colorado, the district attorney indicted several realtors and mortgage brokers for fraudulently developing documents for people who were here illegally so they could buy homes. By the way, it is not necessarily illegal in the United States, as peculiar as this may sound, it is not illegal for someone who is here illegally to purchase a home, but it is certainly illegal to doctor the documents, to falsify the Social Security and tax records. Now this is a tiny story. How does it relate to this issue.

One county in Colorado, three or four realtors, three or four mortgage brokers, accounted for 250 homes being sold in just that county in Colorado. Across the Nation, this phenomenon accounts for hundreds of thousands of homes that have been sold to people who are here illegally. There have been major industries, certainly major banks in this country that were devoted to trying to identify illegal aliens as a niche market to both make them loans, to identify them as potential bank customers so they can get the mortgage.

We saw hundreds of millions, in fact hundreds of billions of dollars flow into these mortgages. Now what has happened? The economy has gone sour. Immigration reform efforts have gotten to the point where we actually are now conducting raids at some of the major factories and meat packing plants across the country. And also States have taken on this responsibility themselves and have passed laws. Because the Federal Government has been so lax, we have States taking up the burden and passing laws to do something about illegal immigration in their State, and local communities doing the same thing.

The result is lots of people are leaving, going home. To the extent so much so that in Mexico, the president of Mexico issued an urgent plea for us to do something to stop the flow of illegal aliens back to Mexico because they couldn't handle it. They wanted us to secure our border, maybe to build a fence. There were so many returning that they could not handle the influx.

What does that mean for us and the issue of this mortgage problem that we are having? It means that all of those people simply walked away from those mortgages, those hundreds of thousands of homes that were on the market. They walked away because of course they had nothing at stake. They were given 100 percent loans, sometimes even more than that. Their names were oftentimes falsified. They had nothing at stake, were illegally in the country, so it was easy to walk away. They walked away from the homes and we are stuck with the mortgages, and they are now part of this huge bailout we are trying to focus on and deal with as the Congress of the United States.

We haven't talked about that as an issue, but I suggest to you it is an enormous issue. No one wants to talk about it, just like no one wanted to talk about this issue for the last 10 years.

Only recently have we seen a bit of a change. In 1999, I founded the Congressional Immigration Reform Caucus, and six people agreed to join initially. The task I felt again was something that I had to undertake. It was one of those things that I decided to add to the repertoire, if you will, of talking about it here at night, forming an immigration reform caucus and trying to get people to pay attention.

□ 2045

Well, there have been—I don't know—hundreds of speeches, literally thousands of radio spots that I have done and interviews that I have done on this particular issue, thousands of speeches that I have given around the country.

Things have begun to change, and I am extremely happy about that. We certainly have more members of the caucus now headed by BRIAN BILBRAY, over 100 members, both Republicans and Democrats, and a number of things have happened around the country that are worthy of note.

The Minuteman Project showed the Nation how a few hundred concerned citizens could shut down border traffic with lawn chairs and cell phones, just doing what they could do in their spare time as American citizens looking for a lawful way to address the issue of illegal immigration. Thousands of people did it. It was a wonderful thing to observe even though, by our own President, they were called vigilantes, and of course, they were the people who were actually enforcing the law as opposed to the President, who was ignoring it.

We've had governors of southern border States, Democrats and Republicans alike, declare states of emergency in their individual States because of the massive number of illegal immigrants who have come across the borders. We've had small towns, communities all over this country do what Mayor Barletta did in the small town of Hazleton, Pennsylvania when he passed ordinances against hiring or renting to illegal aliens. He earned national attention and a crucial battle with the ACLU for that.

Of course, I mentioned earlier there are other States, States like Arizona, Oklahoma, Georgia, that have taken up this issue themselves because, again, they looked for help from the Federal Government and could not find it, but they have passed wonderful bills to deal with this, saying that employers in their respective States have to use the E-Verify system to make sure that the people they have hired are here legally.

Legislatively, we've seen other things that seemed impossible a while back. In October of 2004, Speaker HASTERT's H.R. 10, which came out of the 9/11 Recommendations Implementation Act, was passed in the House, and it substantially targeted immigration-related weaknesses related to terrorist travel.

The following month, I used a rarely employed conference rule to force a Republican Conference meeting and postpone a vote on the Intelligence reform bills because immigration-related provisions had been stripped from the conference report. The shutdown resulted in the promise that became the Real ID Act, which became the law the following year. It mandates standards for the issuance of driver's licenses that would preclude the eligibility of illegal aliens.

In 2006, the Secure Fence Act became law, mandating the construction of approximately 800 miles of fencing and infrastructure on the U.S.-Mexico border. Three hundred miles of that fence have been completed.

The most important tool in forcing Congress to deal with immigration is the amendment process that we have here. In 2003, I began offering amendments to spending bills, seeking to enforce Federal laws that prohibit sanctuary cities. This was a new strategy, and I began to build a record for all of my colleagues. No longer could Members just speak in platitudes about immigration. They had to put their money where their mouths were and cast a vote up or down on these real issues.

I brought amendments on the sanctuary policy's temporary protected status by removing reimbursements for illegal alien health care, by repealing food stamps for immigrants, by suspending the Visa Waiver Program, by revoking visas for countries that refuse reparations.

As the votes began to pile up, the voting habits of my colleagues began to change. The first sanctuary amendment I offered in 2003 got 102 votes. Now we regularly pass these amendments. The real catalyst was President Bush's speech in 2004, which caused widespread outrage with the amnesty proposal. Our constituents showing the vast disconnect between themselves and the beltway elite started making their views known with the benefits of high-paid lobbyists.

Like most Americans, I was delighted to watch the immigration proposal go down to defeat in the U.S. Senate. First and foremost, it demonstrated how widely unpopular the notion of granting amnesty to illegal aliens is with the American people. More importantly, however, Congress' rejection of the bill may have signified the high watermark for advocates of ever increasing levels of immigration, both legal and illegal, into the United States.

Supporters of the President's immigration plan were forced to even change the rhetoric of the debate as they tried desperately to invent a nonoffensive euphemism for amnesty. We heard it referred to as ''earned legalization,'' as ''comprehensive reform'' and

as ''regularization.'' Despite their efforts, however, Americans made it quite clear that they opposed amnesty.

It's not surprising, but the amnesty proposal contained within the bill isn't the only fuel that fueled the grassroots brush fire that killed that bill. Dramatic increases in legal immigration levels proved to be nearly as unpopular as amnesty, and it also contributed to the demise of the legislation.

Public concerns about dramatically increased levels of legal immigration helped to derail a similar Senate proposal in 2006 after Robert Rector of the Heritage Foundation analyzed how many foreigners the bill would allow into the United States over the next 20 years, some 60 million people. Sheer numbers began to transcend anecdotal stories about friendly immigrant neighbors on the minds of the American public.

Indeed, the protracted debate over immigration has voters increasingly focused on what is a very reasonable question: What kind of immigration policy serves our national interest? Not surprisingly, few have stepped forward to defend the status quo or the massive increases proposed by the Senate leadership or the President. Mr. Rector penned a report applicable to that year's Senate concoction. Despite all the talk about how critical low-skilled immigrants are to economic growth, his study confirmed what many already knew, that low-skilled legal and illegal immigrants are a net cost to taxpayers, not a net gain, just as their native-born counterparts are.

The Senate bill would have cost our children and grandchildren $2.5 trillion due to amnesty provisions and increased levels of legal immigration authorized by the legislation. Again, it was Mr. Rector's analysis that deeply shook the public's confidence in the Senate's credibility in handling the issue. Once more, the question about legal immigration became relevant in light of that information.

Now, I'm not saying that America is ready to install a ''no vacancy'' sign on the Statue of Liberty. At the same time, we cannot discount the increasingly disconcerting public feeling that honoring our tradition of immigration while decreasing the yearly total of immigrants to more sustainable levels are not mutually exclusive goals. A significant decrease similar to that one in the Commission on Immigration Reform advocated in the mid-1990s would be a good first step toward creating a more orderly and sustainable immigration policy in America, such as, by the way, eliminating chain migration and the visa lottery. I continue to believe that a return to traditional immigration levels as well as stepped up enforcement can be won in a matter of months and years, not decades.

For one reason I believe that this is what will happen in this seminal legislative moment in my House tenure is that Mr. SENSENBRENNER, the chairman of the Judiciary Committee, began the process in late 2005 of crafting a comprehensive immigration reform bill—the Border Protection, Antiterrorism, and Illegal Immigration Control Act. It passed 239 to 182. Not only did the enforcement bill first receive broad bipartisan support on the final passage but so did stand-alone amendments to build border fencing and to reduce legal immigration by eliminating the Visa Diversity program.

Our immigration caucus played a vital role in making sure that not so much as a sense of Congress was allowed to suggest that we needed guest workers.

There is still, of course, much to do. I am proud of the accomplishments of the caucus. I am proud of the accomplishments that my colleagues and I, who have fought for immigration reform, have made to this point in time.

Certainly, it is the reason, by the way, that I ran for the Presidency of the United States, for the Republican nomination for the Presidency of the United States. With little idea, in fact no idea, that I would actually become the President of the United States in that process, I was nonetheless inspired to do what I did and run for the nomination for President in order to force the people who were on the stage with me during that period of time to address this issue. There was a reluctance in doing so. I know I started the process out in February of last year and ended it in December, and between that time that I started in February to December, there was a complete change in the way each person who was running for that nomination addressed the issue of immigration. Finally, every single person, including the present nominee of the party, agreed that we had to secure the borders first. We must do that. There was no longer ambiguity in their statements about this. Our borders have to be secure.

Now, I hope of course that the rhetoric turns into action. I commend to my colleagues here who will be returning next year that their task will be ahead of them to make sure that that is what is done.

So we have done a great many things. There are still a lot of concerns that most of us have about where we go from here. It is imperative that we stay strong in our opposition to amnesty of any kind. It is imperative that we push for a border fence and for one that is, in fact, a real deterrent to the flow of illegal immigrants into the country.

It is imperative that we never, ever do to anybody else what we've done to Agents Ramos and Compean, who are still imprisoned for essentially doing what they were hired to do in protecting our borders.

There are threats to our sovereignty like the Security and Prosperity Partnership and the North American Union. They continue to exist in some form or other. Legal immigration is still at an historical high. The effects of our language and of our culture threaten not only what kind of a nation we will be but whether we will be a nation at all.

This leads me to the next part of this discussion and, perhaps, even to the more serious part that we must begin to work with as we have now accomplished a number of goals that we have set and that I have set, essentially, for myself here, which is one of the reasons why I chose not to run again. I mean, when I look back at where I started in this process and where we are now 10 years later, I feel like I have accomplished many of the goals I set for myself in this body. There are many people here who I can turn to now and hand the baton to and know that they will take it up—it's wonderful—to Judge Poe and to STEVE KING. I could go on and on with the number of people who are here today who are committed to doing something about true immigration reform. Hence, I feel very comfortable in taking my leave of this place at this time, but I do so with this caveat:

We must never forget the real threat that exists as a result of massive immigration, both legal and illegal, into this country when it merges with what I have often called the cult of multiculturalism. It permeates our society, this cult does. It is an emphasis on all of the things that pull us apart as a society—an emphasis on creating linguistic and cultural enclaves, on turning us into a cultural and linguistic Tower of Babel. It is a focus on all of the negative aspects of Western civilization and the United States' exemplification of Western civilization's greatest attributes.

The colleges and institutions of higher education and certainly even our high schools and our K–12 educational system is fraught with this idea of this cult of multiculturalism and the attitude about America and about the west. It permeates all of the textual materials of most of the professors who are at these institutions, who always confront the issue of America and the west and western society in the most negative terms, who are always tearing us down—who we are, what we've built, what we're all about. This is the cult of multiculturalism. When millions of people come into this country, either legally or illegally, who are also interested in ideas and who are interested in things other than becoming an American, we become susceptible to a disease that really will destroy us. It is a disease that works its way from within the body politic in this country, and it is susceptible to an attack from without.

We see what's happening today. We have been calling it a war on terror. It is a misnomer. It is incorrect to label it that way. It is not a war on terror that we face and that we are trying to advance. It is a war against radical Islam. Terror is a tactic of radical Islamists. It is not the entity with which we are at war.

Lao Tzu, of course, is a famous Chinese philosopher, and he has stated and

has been quoted over the years because of his insight into both the nature of war and into the nature of human beings. He said at one point that there are two things that are desperately needed in order to be successful in any clash. One is the knowledge of who your enemy really is. Who are they? What makes them tick? Why do they do the things they are doing? The other is, he says, a knowledge of who you are. We have to understand who it is we are fighting. Again, it is not simply terrorists.

□ 2100

It is radical Islam. Islam's hostility towards the West has nothing to do with American troops in Muslim lands or America's support for Israel or the plight of the Palestinians. The first thing we must understand is that Muslims believe the Koran is the word of god as dictated to Mohammed. It cannot be interpreted by man. This is troubling because the book's passages call for the destruction of opposing religions, the extermination of non-Muslims, and the imposition of a worldwide caliphate.

Among other things, the Koran tells Muslims: those who disbelieve we shall roast them in fire, they may feel the punishment. When you meet the unbelievers, smite them, and when you have caused a bloodbath among them, bind a bond firmly on them. Take the infidels captive and besiege them, and prepare for them each ambush. They that reject faith, take not friends from their ranks and make them flee in the way of Allah . . . seize them and kill them wherever you find them and take no friends from their ranks. Fight them until there is no dissension, and religion is entirely Allah's. Instill terror into the hearts of the unbelievers. Prepare for disbelievers chains, yokes, and a blazing fire. Cast terror into the hearts of those who disbelieve and strike off their heads and fingertips.

This is Islam's instruction book, and the instructions are quite clear.

So whether we want to admit it or not, the Western world is locked in a struggle against this form of Islam—a religion whose practitioners and adherents are inextricably linked to terrorism. And if we are to successfully defend ourselves against the desire of our enemies to impose a caliphate on the world, we must first be willing to openly identify them, say who they are.

Politically correct politicians in the United States, Europe, and elsewhere are quick to dispute notions that Islam is inherently violent, and they flatly reject that Islam is engaged in a global struggle to dominate the world. But a quick look around the globe tells a different story.

While the most obvious clashes between Islam and the West are taking place in the streets of Israel, in the mountains of Afghanistan, and in the deserts of Iraq, Islam's foot soldiers are waging their war against non-Muslims in all corners of the world.

In Sudan, the conflict between the north and the south was basically a conflict between Arab Muslims and southern black Christians.

A visiting teacher from Denmark was jailed for insulting Islam after she let her class name a teddy bear ''Mohammad.''

In Thailand, a nation of more than 60 million that is more than 95 percent Buddhist—a nation that is known worldwide for its friendly people and enduring spirit of hospitality—some 3,000 Thais have been killed in brutal uprisings by Muslims who are determined to replace Thailand's democratic kingdom with an Islamic State.

Last week, Islamic militants in the southern Thai town of Pattani shot a state official some 30 times with a machine gun as he arrived to visit a school. After the attack, the gunman dragged his body out of the truck and chopped off his head in front of the horrified students and teachers.

In the Philippines—a former U.S. territory known more for its food and cathedrals than for Islamic extremism—the government has also been struggling with Islamic militants seeking to overthrow the democratic system and ''return'' the country to its ''pre-Christian 'Moor' national identity.''

This insurgency has gone on for decades and claimed more than 120,000 lives. Over the last few years, Filipino soldiers, priests, other Christians, and non-Muslims have been routinely captured and beheaded.

In Indonesia—which is struggling to maintain a democratic system amid calls for the imposition of Sharia law—dozens of demonstrators recently attacked the local ''Playboy'' magazine office, injuring police officers and damaging property. Keep in mind that the Indonesian version of the magazine does not even contain nudity, and is primarily dedicated to Western pop culture and fashion.

After the incident, it was not the militants, but Erwin Arnada—the magazine's editor—who was arrested and forced to face charges of violating the country's indecency laws and faces a long prison sentence.

For more than 40 years, Malaysia—a former British colony—has successfully balanced its democratic secular form of government with the plurality of its citizens' Muslim roots. Slowly, however, these roots are ripping up the fabric of freedom in this country.

In 2005, the country's Federal court system dismissed appeals by four Muslims who were sentenced to 3 years in jail for wrongfully attempting to convert from Islam. Despite the Malaysian constitution's guarantee to all people the right to profess and practice one's own religion, the court disregarded the Federal constitution and ceded jurisdiction of the case to a Sharia court.

In 2007, over the objections of his Hindu wife and family, Emm Moorthy—part of the first Malaysian team to climb Mount Everest and an army commando—was declared a Muslim after his death and buried as one.

In another case, local authorities refused to recognize the conversion of a Muslim woman to become a Catholic. In addition, the local registrar refused her application for marriage to a Catholic man because Islam prohibits Muslims from marrying non-Muslims. Courageously, she filed suit, optimistic that the Malaysian constitution's provisions for equal protection and freedom would win the day. Unfortunately, amid Islamist protestors' shouts of ''Allah-o-Akbar'' inside the courtroom, a judge dismissed her application finding that ''ethnic Malays'' are constitutionally defined as ''Muslims,'' making conversion from Islam and her marriage to a Catholic man illegal.

The judge went on to say that he could not allow her to change her religion because granting her such an exemption would encourage future converts.

That's part of the world that we seldom hear about but where actions like this are everyday occurrences. These developments in Asia and Africa are problematic, but the wave of Islam is also washing over Europe's shores. While Islamists work to eliminate legal protections for free speech and free association in Asia and Africa in order to replace pluralism with Islam, they are using these freedoms and the legal system in Europe in order to determine democratic institutions and replace them with Sharia Law, undermining democratic institutions.

Sharia Law calls for brutal punishment, such as the stoning of women who are accused of adultery or having children out of wedlock, cutting off the hands of petty thieves, lashings for the casual consumption of alcohol and a failure of women to wear a veil or head-scarf.

Muslims in the UK recently used a loophole in the Federal arbitration law to make Islamic Sharia Law and the decisions of the Sharia court legally binding in civil cases in the United Kingdom.

A recent poll conducted by the Centre for Social Cohesion in the United Kingdom found that some 40 percent of Muslim students in the United Kingdom support the introduction of Sharia law there, and 33 percent support the imposition of an Islamic Sharia-based government worldwide. Another 32 percent of the British Muslim youth living believe that killing for the religion is acceptable, while 20 percent are unsure.

Just days after the London subway attack, Tariq Ali, a prominent British Muslim activist, was quick to suggest that London residents ''paid the price'' for British support in the Iraqi campaign.

Another academic, George Hajjar, went even further proclaiming, ''I hope every patriotic and Islamic Arab will participate in this war and will shift the war not only to America but to . . . wherever America may be.'' He added, ''There are no innocent people,'' and referred to the victims of the attack as ''collateral casualties.''

In the Netherlands, the number of Muslims has grown from just 54 in 1909 to almost 1 million in 2004. These changes have not come without costs.

2002, Pim Fortoon, a politician who expressed concern about the rapid influx of Muslim immigration, was shot six times in the head as he walked to his car. During his court appearance, the killer told the judge in killing Fortoon he ''acted on behalf of the country's Muslims.''

2004. Theo Van Gogh, Dutch filmmaker who had the temerity to make a movie critical of Islam's treatment of women, was shot and killed by a 26-year old Dutch born Muslim in broad daylight in a busy Amsterdam street. After shooting Van Gogh, the jihadist pinned a note to his body threatening the co-author of the script. Then he began the task of decapitating Mr. Van Gogh's lifeless body.

Another Dutch politician who has raised concerns about the danger of Islam's rise in Holland, Geert Wilders, has received numerous death threats and is forced to travel with 24-hour day security. According to Mr. Wilders, the Dutch government has completely capitulated to Islamists in the wake of these politically motivated murders.

He recently told the Hudson Institute, ''We have gone from calls by one cabinet members to turn Muslim holidays into official state holidays to statements by another cabinet member that Islam is part of Dutch culture,'' to an affirmation by the Christian Democrat Attorney General that he is willing to accept Sharia Law in the Netherlands. And there is another majority.

We now have cabinet members who pass with passports from Morocco and Turkey. More alarming still, one half of Dutch Muslims say they understand the 9/11 attacks.

Before I go on, going back to the United Kingdom for a moment. The largest mosque in the world is being built outside London. Recently Archbishop of Canterbury said they should have two tracks, a two-track system in England: one Sharia Law and one traditional English law. Mohammed is now the most popular name in England for a child.

France is also gripped by the crisis. Muslim rioting gripped the country for weeks last year resulting in death and unprecedented destruction of private property. There are hundreds of areas inside Paris and inside and around Paris where police do not go. They are entirely Muslim areas, and the police are essentially afraid to go in there.

The PEW Research Center reported that more than half of all French Muslims loyal to Islam is greater than their loyalty to France, and one in three do not object to suicide attacks.

The demographics, of course, are significant, and that is what is causing a significant change in the entire attitude of Western Europe about such things as Islam and the changing of Western laws.

That is the point of this, that all of this comes with a cost. There is a challenge to western civilization. We have a system that was established by the concept of the rule of law and many other things that unite us as a Nation in the past and united the West in the past are being threatened and destroyed.

Before liberals in America roll out the Islamic welcome mat any farther, they ought to look closely at Europe. As I noted, many Muslims in Europe openly expressed a desire to replace secular democracies there with Islamic caliphates. Hardly surprising when you have an immigration policy that allows for the importation of millions of radical Muslims, you are also importing the radical ideology, an ideology that is fundamentally hostile to the foundations of Western democracy, such as gender equity, pluralism, and individual liberty.

These lessons are unfolding in plain sight across the Atlantic in Europe, but what many Americans don't realize is that these same problems are beginning to manifest themselves here in the United States in parts of Michigan, New York, and Virginia. Yes, yet America's political leaders remain asleep at the switch.

The PEW Research Center, for example, asked American Muslims between the ages of 18 and 29, When are suicide bombings justified? Twenty-six percent said that they were always justified. Another 15 percent said they were often justified.

Another potential threat, settlement poses to the United States is made worse by the fact of the sheer volume of both legal and illegal immigration into our country. Combine that with the rise of culture relativism, political correctness, and the lefts' obsession with diversity, and you have a recipe for disaster as immigrants are prevented from assimilating and separate ethnic cultural communities spring up all over the United States.

We are again confronted with this situation, and we are made less able to deal with it because of this, the political correctness that—and this multicultural society that we are creating here. It makes us weaker as a society to deal with this.

We are told constantly, as I said earlier, about the deficiencies of the West and that we are not really a country at all, that the United States isn't just a Nation of sovereign people, it is just a place on the planet. Just a place on the continent.

It's called America, and if you live here, you're an American. There are no other ties that should bind us, certainly not a linguistic tie, certainly not the English language. That's what they say. I say it is the imperative tie that must bind us. It is the glue that holds our society together. It is the thing that allows us to communicate with each other. And it is imperative that we have something because we have so many things in this country that pull us apart, it is imperative that we have something, anything, that pulls us together. Language is that one thing.

Our people come from everywhere around the world from every different kind of culture, religion, color, historical background, and language. We have—something when they come here has got to begin the process of assimilation because immigration without assimilation is creating a phenomena that is like putting a gun to our heads.

Examples of this kind of political correctness go on and on. Los Angeles Roosevelt High School. An 11th grade teacher told a nationally syndicated radio program that she hates the textbooks that she's been told to use and the State-mandated history curriculum because they ignore students of Mexican ancestry. Because the students don't see themselves in the curriculum, the teacher has chosen to ''modify the curriculum'' by replacing it with activities like mural walks intended to open the students' eyes to their indigenous culture.

A friend of the teacher invited to help with the mural walk went on to tell the students, ''Your education has been one big lie after another.''

In a textbook called, ''Across the Centuries,'' which is used widely across America for the teaching of 7th grade history, the term ''jihad'' is defined as ''to do one's best to resist temptation and overcome evil.''

□ 2115

In 2002, the new guidelines for teaching history in the New Jersey public schools failed to mention America's Founding Fathers, the Pilgrims, or the Mayflower. After this became public, New Jersey changed the guidelines.

In a Prentice Hall history textbook used by students in Palm Beach County high schools, titled ''A World Conflict,'' the first five pages of the World War II chapter cover such topics as discrimination against women in the Armed Forces, racial segregation during the war, and internment of Japanese Americans, far fewer than are dedicated to the 292,000 Americans who died in the conflict, fighting against totalitarianism and genocide.

A Washington State teacher substituted the word ''winter'' for the word ''Christmas'' in a carol to be sung at a school program so as not to appear to be favoring one faith over another.

In a school district in New Mexico, the introduction to a textbook called ''500 Years of Chicano History in Pictures'' states that it was written ''in response to the Bicentennial celebration of the 1776 American Revolution and its lies.'' Its stated purpose was to ''celebrate our resistance to being colonized and absorbed by racist empire builders.'' The chapter headings include ''Death to the Invader,'' ''U.S. Conquest and Betrayal,'' ''We Are Now a U.S. Colony,'' ''In Occupied America,'' and ''They Stole Our Land.'' This is a textbook in a New Mexico school district.

Nicholas DeGenova, an assistant professor of anthropology at Columbia

University, told students that he wanted to see ''a million Mogadishus''—a reference to an operation in Somalia in 1993 in which elite U.S. Army personnel were pinned down in a fierce firefight. Eighteen Americans were killed and 84 wounded. DeGenova added that, ''The only true heroes are those who find ways to help defeat the U.S. military.'' Administrators at Columbia University expressed regret, saying they were ''appalled by the statements,'' but took no action to dismiss DeGenova, who is still teaching. Teaching, by the way, is a liberal way to interpret his activity.

At Royal Oak Intermediate School in Covina, California, students in Len Cesene's seventh grade history class fasted last week—this was some time ago, last week was the quote from the article—last week to celebrate the Muslim holy month of Ramadan. His letter to parents explained that ''in an attempt to promote a greater understanding and empathy towards the Muslim religion and toward other cultures, I am encouraging students to participate in an extra credit assignment. Students may choose to fast for one, two, or three days. During this time, students may only drink water during daylight hours.''

A Federal judge in Brooklyn interpreted New York City policy on holiday displays in public schools allow for the display of the Jewish Menorah and the Muslim Crescent—but not the display of a Christian Nativity scene. The judge based his decision on the notion that the Muslim Crescent and Jewish Menorah are ''secular'' symbols, while the Christian Nativity scene is not, and the list goes on and on.

Certainly, many people have heard about the professor from the University of Colorado who claimed that all the people that were killed in the Twin Towers deserved to be killed; they were little Eichmanns. Again, it goes on and on.

And individually, these kinds of incidents may seem regrettable and harmless. They are just examples of Americans' tolerance for diversity and multiculturalism. Collectively, they will subject our Nation to death by a thousand cuts.

Islamic leaders have seen the inability of our government institutions to maintain cultural cohesion, and despite the mainstream media's attempt to report it because of political correctness, they are no longer shy about expressing their own intentions.

According to the Manifesto of the Muslim Brotherhood in America, ''Our work in America is a kind of grand jihad in eliminating and destroying the Western civilization from within.''

According to Professor Hatem Bazian of the University of California at Berkeley, ''It's about time that we have an intifada in this country, that changes, fundamentally the political dynamics here.''

Yousef Khattab, of the U.S.-based Islamic Thinkers Society, recently said in an interview that ''Islam will dominate, that's what it will be. We want to see Sharia Law here, and it will be. The flag of Islam will be, God willing, on the White House, if that's where we choose it to be.''

According to a co-founder of the Council on American Islamic Relation, CAIR, Abdul Rahman Alamoudi, ''We Muslims have a chance, in America, to be the moral leadership in America. The problem is when? It will happen, I have no doubt in my mind. It depends on me and you, either we do it now or we do it after a hundred years, but this country will become a Muslim country.''

The head of another Muslim group, Coordinating Council of Muslim Organizations, Imam Johari Abdul Malik, told a crowd, ''Before Allah closes our eyes for the last time you will see Islam move from being the second largest religion in America—that's where we are now—to the first religion in America.''

Muslim ''activist'' Abu Waleed told a crowd of reporters, ''We are not Muslims . . . who are simply here to integrate and become part of democracy and freedom and adopt these values. Rather, what we hope to do is to engage with the . . . society to . . . one day implement the Sharia over man-made law and sharia over . . . Washington, D.C.''

A Muslim man recently told CNN's Anderson Cooper, ''We are bound by the rules of Islam. If a woman runs away, she must be killed.''

Our essentially ''open door'' policy of unlimited legal and illegal immigration may seem like a harmless manifestation of our national tradition of welcoming newcomers with open arms, but it is an invitation to our destruction.

For example, the American left's dogmatic adherence to the idea of ''diversity'' and their tendency to elevate it above all other values also led them to establish the visa lottery, or ''Diversity Visa'' program in 1990. Hundreds of thousands of people have come with these kinds of programs throughout the United States, and we do this at our peril.

We were a Nation that was identifiable. It was identifiable by the kind of language that we spoke, the religion that we observed. Just an example of what we were at one time and what we must think about as what held us together, the ideas, the attitude, yes, the religion, yes, the language. They were something that at one point in time held us together as a Nation.

The Trinity Church case in 1892 said, ''If we pass beyond these matters to a view of American life, as expressed by its law, its business, its customs, and its society, we find everywhere a clear recognition of the same truth . . . this is a Christian Nation.'' Justice Brewer.

''We are a Christian people, according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God,'' Justice Sutherland, 1931, the Macintosh case.

1983, ''To invoke divine guidance on a public body entrusted with making the laws is not . . . a violation of the Establishment Clause; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.''

And then, of course, later decisions began to erode that concept of religious similarity in this country.

Who we were, this is something that I want to read and will tell you at the end who wrote this; although, probably the content of it will let us know. It was written on June 6, 1944.

''Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true; give them strength to their arms, stoutness to their hearts, steadfastness in their faith.

''They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

''They will be sore tried, by night and by day, without rest-until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

''For these men are lately drawn from the ways of peace. They fight not for the lust of consequence. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

''Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

''And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

''Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

''Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces.

''And let our hearts be stout, to wait out the long travail, to bear sorrow that may come, to impart our courage unto our sons wheresoever they may be.

''And, O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith

in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment let not these deter us in our unconquerable purpose.

''With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace, a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

''Thy will be done, Almighty God.

''Amen.''

That, of course, was the prayer of Franklin Delano Roosevelt as our men embarked upon D Day. This prayer, I wonder if it could be said today by the leader of this country. I wonder if the President of the United States would have the courage to start off a prayer asking for the Lord to help protect our religion, our civilization, our Republic, and to set free a suffering humanity. Would we add the words ''our civilization,'' ''our religion''? Could we? Do they mean anything? What do they describe today to anyone? Or are we too afraid to mention this for fear that it will be perceived by someone as narrow-minded?

And so, therefore, we do not discuss who we are or at least who we were. But just as dangerous an event as D Day was and just as much as we needed prayer to protect the men who were going across that channel, we find ourselves in a world that's equally dangerous. We find ourselves daily facing events that challenge us in so many ways and are as dangerous and as threatening to our very existence as was the threat posed by Nazi Germany and the Empire of Japan.

They come from a different source, those threats. They are not identifiable as a single nation. It makes it harder for us to deal with it. But we as a country must do so.

And this is my parting thought for this Congress, for this Nation. Pray for the same thing that Franklin Delano Roosevelt prayed for: strength, courage to defeat an enemy that has every intention of defeating us and destroying Western civilization. Do not walk quietly into the night of a dark age. Know who we are. Know who the enemy is. Hold up this Nation's flag. Take back our country.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from New Jersey (Mr. GARRETT) is vacated.

There was no objection.

CURRENT FINANCIAL SITUATION OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, we come to the floor tonight to speak about an issue that has eclipsed all other issues, that has been in the media and on the public's minds of recent date, and that, of course, is the financial situation that the United States currently finds itself in.

As we go through this evening, we will talk about deals or no deals, the underlying fundamental problems that the situation has brought us to this point, who and how we got here, what was the makeup of the market and the Fed and the Treasury that may have helped to facilitate the problems that we face today.

□ 2130

And, finally, what are some of the solutions that are potentially out there that can move us from where we are today to a more stronger and safe economy?

I'll just start for a moment, before I yield to some of my colleagues who have joined me, to suggest to the American public that tonight they should be concerned, not just about what is occurring on Wall Street, but what is occurring right here in Washington, D.C. as well.

With regard to the situation on Wall Street, although as difficult as it may be, I have, deep down inside of me, the utmost faith in the American people and the American worker and the America businessman that, when faced with this challenge, that they will be able to overcome it and to strive and make a stronger economy tomorrow that will be beneficial for our farmers, for our families, for our manufacturers, for our economy throughout the United States.

And yes, there may be some need, as we will discuss, for the intervention by Washington, but the reason why I say that the American citizen should be concerned tonight—not so much about Wall Street, but about Washington—is what may come out in the form of legislation tonight—or in the next day or the day after that. Because, you see, we are being asked to sort of rush through this process, where as normally we would come to this body and maybe spend hours upon hours debating whether we should spend a million dollars on this bridge over in this State or a million dollars in this program in that State.

And we will go through committee hearings and markups and subcommittees and the like and then finally get to the floor of the House and pass it here. And then it will go over to the Senate, and it will go through the same arduous process of subcommittees and full committees and markups, and then to the Senate floor, where they will have debate on it infinitum. And maybe even then we'll go to conference committee and come back here to the House where we will have to discuss the issue all over again. And that may be only for a matter of only a million dollars or two.

But what we are talking about here is potentially spending $700 billion, and we're being asked to basically decide that issue in a matter of hours. Mind you, we may, hopefully—as the optimist as I always am—get just the right answer. But the reason I say the American citizen should be warned is that history does not indicate that. And many times, in the rush to judgment, when we are pushed to make a decision at the end of the day, at the end of the week, at the end of a session when a crisis is looming over our heads, we are sometimes pushed in the wrong direction.

And I would also ask the American citizen to consider this; you know, the overwhelming calls to our offices I think across the board, across both Democrats and Republicans as well, would say that they have been opposed to spending $700 billion of the American taxpayers' dollars to bail out, if you will, Wall Street. I would just advise the American public, as a plan finally does come through the process and is passed through this House and the Senate, I would advise them to look over it very, very carefully when they are told that this is not the same Paulson proposal, that the American taxpayer is not going to be on the hook. I don't know what that proposal will be—as negotiations are going on literally as we speak—but look at it very carefully to see that the proverbial wool is not being pulled over all of our eyes, and that we ultimately, and our future generations, our children and our grandchildren, will be held responsible for paying the debt. I hope that's not the case.

I remain optimistic that we can work out a solution. And the House Republicans have actually proposed such a solution that would not put the American taxpayer on the hook. And we are willing to work with our Democrat colleagues across the aisle to make any changes or additions or alterations to that so that it can be palatable to all parties in both Houses to get through the process, but let's see how the final end result is.

And with that, I yield as much time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend, Mr. GARRETT's, comments. I heard him earlier tonight on Fox Business News. That's the first I had seen that channel, and it was quite good. Perhaps if they had been on the air longer, maybe we wouldn't be in this problem, people would be watching that.

But I heard one lady comment that there is an adage that ''Europe was formed by history and the United States was formed by philosophy.'' And there really is something to that. We were founded on the basis of people coming together. And of course at the Constitutional Convention they

couldn't come up with a constitution, the Articles of Confederation had all fallen apart, no common currency, it just didn't work, too loose of a web. And so they came together 4 years later, 1787, in the Constitutional Convention, and for merely 5 weeks couldn't agree on anything. And that's when the very elderly Benjamin Franklin gave his speech, that during the war in the early days, they never let a day go by without prayer, and they saw prayer answered. And so he made the motion that they begin each day with prayer, and that began. And now, all of a sudden we're able to come together with all these different philosophers through the ages and come up with what was the Constitution. Amazing.

But they had seen the New Testament practice early in the church, when they had everybody bring everything into a common storehouse and gave out equally. And that eventually results, as it always has to, when people see someone else is not working as hard as they are and they're getting an equal share, then they quit working and everything falls part. That led to the Apostle Paul coming around and saying, If you don't work, you don't eat. At Jamestown, we saw where the pilgrims tried the same thing. And then we saw in the Soviet Union—and you've got to give it to the Soviet Union, they made it 70 years under that premise, that you could bring everything into a common storehouse and give out equally, and they made it 70 years. That's got to be a record for that.

But here, they're wanting to take this government in the biggest socialist step in the history of the western hemisphere, $700 billion; and we're supposed to be comforted because our government may be able to make a profit on the taxpayers' money. The trouble is, government never makes the kind of profit that individuals could, and the government is not supposed to be in the business of making a profit. That is free enterprise. That's what we were founded on.

And, you know, I heard this quote years ago, I don't remember who said it, if they were quoting someone else, but especially since I've been in Congress I've found it to be true. And it may very well be true in this situation, it sure seems to be, because we've got people on Wall Street who are screaming, you have got to come in with this infusion of $700 billion of taxpayer money to bail out the banks. What is that going to do? As I understand it, it's going to buy mortgage-based securities—at a rate above where they may even be marked down to—and save those people that have stock in that bank, the officers that got them in that trouble, and that will keep their stock from being worthless. And the quote that I was alluding to is this, ''Hell hath no fury like a vested interest masquerading as a moral principle.'' And boy, have we been hearing that. ''You can't let the country fall.'' ''You can't let this panic ensue.'' We were told Friday, a week ago, 8 days ago, if we didn't have a deal by Monday, then the banks were going to start falling and it would be a domino and we would never get it back. It didn't happen. Some of us wanted to be more cautious.

But anyway, as I heard the gentleman say earlier, if the majority, if the Speaker wants to pass a bill, she sure doesn't need us. And I heard Madam Speaker say just earlier today on the news that it was very unpatriotic for the Republicans not rushing in sooner to be part of this $700 billion bailout discussion. And that was really striking because they didn't ask for our input when they ran in here and crammed down a non-energy energy bill that didn't allow any amendments. They didn't need our votes. They were going to cram it down the Nation's throat and tell them we gave them energy when there was not a drop of energy ever going to come from it. And then shortly thereafter the majority leader said, oh, one of the first orders of business, we'll put the moratorium back. So they don't need us, really, to pass a bill.

And another thing that I haven't heard talked about in these mortgage-based securities is actually who those are. Now, at one end—and people don't want to talk about this—but at one end you've got people who thought if they could run in, get a no-money-down mortgage on a house that was a lot more than they could afford—when it was $1 million or $2 million or half a million—more than they could afford and they could hold it for a year, they could turn it, double their money, they never had to make a payment, and wow, they just doubled the value of the home and then came away with all this cash. When the house didn't double, then they had been in the house for a year and hadn't made a payment, didn't pay anything down—as the saying goes, ''no skin in the game''—and now we're supposed to bail them out? That's at one end.

In the middle, we have people who were really legitimately hurt, and not so much of their own accord. They knew what kind of house they wanted to look at. They were talked into, by bankers or realtors that shouldn't have, into buying more than they could afford. They got a mortgage that they really couldn't afford, thinking the house would greatly be enhanced in value and they would come out ahead. And they're truly suffering, and my heart goes out to them.

Then the other thing—and I haven't heard anybody talk about it on the floor here—but as it turns out, there are apparently a lot of illegal aliens who got mortgages. Because I know I had seen Bank of America advertising that they wanted to help the aliens, and under certain circumstances, gosh, we can get you a mortgage. So we're going to bail out mortgages for illegal aliens.

Let me tell you, back in the eighties, when the FDIC and RTC had taken over so many banks, what we saw was people come in and say, you know, I've been making my payment every month, and I'd like to negotiate a better deal. And they were told, well, heck no, you keep making your payments. I mean, I did outside counsel work for the RTC and FDIC. You would have some people come in later and say, okay, you wouldn't work with me before when I was making my payment every month, now I haven't paid for 6 months and they say, okay, now we'll work with you. We're sending the wrong message. And it is so critical that we not come out of this Chamber with a bill that hurts the America that we know and love so much.

There have to be consequences. And it troubles me much that the administration, the Secretary Treasurer has been forecasting this gloom and doom; ''there's going to be widespread panic.'' ''If Washington Mutual goes down it will be a domino and we will not stop the depression.'' Normally, it's the administration saying, nobody panic, we're going to get through this, this will all be okay, just stay with us, let's have faith in each other. And instead, all we're hearing is ''you've got to do something immediately or it's all going to fall apart.''

Well, it seems like, if you allow me to borrow from Kipling's poem and paraphrase a little bit, if you can keep your head while all those about you are losing theirs, you're probably the reason they're losing theirs. And that's what we seem to be seeing around here.

I appreciate the time and Mr. GARRETT yielding. And I will yield back.

Mr. GARRETT of New Jersey. I thank the gentleman. And hopefully, Members on both sides of the aisle will be keeping their heads as we go through the debate and the seeking of a deal on this, and a deal that, at the end of the day, is a benefit to the taxpayers of this country.

While we try to seek out that debate and try to seek out the solution, one axiom that we should probably go by is ''Do not go back to the same people who brought you this problem in the first place.'' And I will speak on that in a little more detail to take a look at who it was actually that brought us to this problem. I know some people are pointing their fingers exclusively at Wall Street on this, and clearly they have some blame to lay there because, for various reasons, executives and otherwise made truly imprudent decision making, maybe it's in part because they really did not have the information on hand, maybe it's because of lawsuits in the pasts when analysts were pushed out of the Wall Street, out of the cell side of the equation, or maybe it's because with all the Ph.D.s and what have you brought in and brought in all the new modeling on Wall Street and what have you, that made it almost impossible for the CEOs

of these investment firms and otherwise to really know what it was exactly that they were buying down below.

Whatever the excuse, whatever the reason, there is some blame to be laid at Wall Street, to be clear, but we also have to look to see where some of that blame lays here in Washington, D.C. And that's why I said, do not return to those who brought us here.

And if you want to look to a place where you can get a little bit of information about how we got here, as we're all done here listening to this program right now, our speakers here on the floor, I went to a place earlier today—or somebody sent this to me as an e-mail, and it was an e-mail for a YouTube site, and it's called ''Burning Down the House.'' And it's a 9½ minute YouTube presentation done with music and what have you that gives you a nutshell explanation of exactly how did we get to where we are in the first place.

□ 2145

So I recommend people to go to YouTube's ''Burning Down the House'' and they will be educated on it.

But right now we're going to be additionally educated by the young lady from Minnesota.

I yield such time as she may consume to Mrs. BACHMANN.

Mrs. BACHMANN. I want to thank the gentleman from New Jersey for his leadership on this issue, which is perhaps the most important vote that Members will take during their entire congressional career. I know for me, this is my first term in Congress. This is the pivotal vote that I will be taking. And my heart has been breaking. I have been despairing over this vote that is coming before us not because I am afraid to take the vote but because I am despairing over what could be the outcome because I grieve over the fact that we may reject, for the first time in the history of our country, in a wholesale manner, free markets, free answers and free capitalism.

And what that means is freedom. And there is nothing more important in this country than freedom. It's why a mom would put her 5-year-old in an inner tube in Havana and brave the shark-infested waters for 90 miles to get to Florida so that she could see her son enjoy something she never knew. And that is a concept called ''freedom.''

And what does that have to do with the bailout? It has everything to do with the bailout because what this bailout represents is the wholesale leap downward towards socialism, towards saying that we can never have failure again. Nobody can ever have a bad day. Congress has to jump in and make it right every time, because government has to take up risk and back up everybody's risk.

I wrote something earlier this week that I would like to share in the course of my remarks this evening. When Bear Stearns hit bottom in March of this year in 2008, the credit crisis claimed the first big Wall Street victim. Treasury Secretary Hank Paulson said, we had to bail out this bleeding financial giant at the cost to the taxpayers of $29 billion. Even for Washington that is a lot of money. Secretary Paulson said that would stabilize the markets. But it didn't.

Next, Treasury Paulson said that we had to bail out mortgage giants Fannie Mae and Freddie Mac. All roads in this big fat mess go through Fannie Mae and Freddie Mac. It is a monster of ugly proportions created by the government. That should be our first lesson. Government should never create a private business. But it created this private monstrosity and then decided it would back up with a wink and a nod any risky, hare-brained loan or mortgage-backed security that Fannie and Freddie came up with.

The starting price of that bailout was $200 billion and climbing. And that is on top of $300 billion that was passed by Congress only a month or so earlier in another massive housing bailout bill. We were told then that this would surely calm the markets. But it didn't.

Treasury Secretary Paulson and Federal Reserve Chair Ben Bernanke then siphoned $85 billion from taxpayer coffers to save another private company known as AIG from bankruptcy, and again with the stated purpose of stabilizing the markets. Did it do the trick this time? No. Things appear only to have gotten worse.

More than $600 billion into these market-calming bailouts, the market turmoil has only ramped up. And it's continuing. In fact, it has now grown to such an incredible crescendo that here we are tonight, and the Treasury Secretary and the Federal Reserve Chair has told Congress, in no uncertain terms by the way, that we must spend another $700 billion in taxpayer funds. We are told we must do this now, without delay, without deliberation, as Congressman GARRETT has said, without answers to most of our questions.

This would bring the bailout tally to well over $1 trillion, now that is real money, even for Washington, approaching half the size of America's entire budget.

In other words, every American who has played it safe and has played it smart to avoid being in debt is now being asked to spend the rest of his or her life paying off the debts of Washington and the debts of some miscreants on Wall Street. We are well on our way to privatizing profit but socializing risk. And we are well on our way to eliminating moral hazard from economics altogether. This is antithetical not only to the free-market basis of the United States economy, but also to the rich heritage of liberty, that is called freedom, that we've long enjoyed. It runs counter to the American Dream, to what we hold dear, unless you're a fat cat that is rolling the dice with taxpayers' money. Then who cares?

American taxpayers are chumps here in this equation because American taxpayers are being asked to clean up a mess that the American taxpayer didn't create. Congress must not rush to judgment on this matter. We can't do that. It's a complicated issue. That is true. This isn't easy for any of us to sort out. All Members of Congress, I think, are going through a crash course in a Ph.D. in high finance all within less than 1 week's time. And the consequences could threaten generations with lack of prosperity.

We can't just stick a $1 trillion Band-aid on that problem. We don't have that kind of money in our back pocket, because after all, when Uncle Sam opens his cash box this week, there are no greenbacks in there. There are only feathers flying out that cash box.

We have to examine the root causes of this problem. And we have to seek to address the core issues. It's real simple. Government got involved where it shouldn't get involved. We spent more money than what we had. It's not too tough to figure out. Otherwise it's only a matter of time before we find ourselves right back where we were.

The recklessness of government is the primary culprit here. Once again, just like on energy, it is Congress that created this problem. For years Congress has been pushing banks to make risky subprime loans. You heard me right. It wasn't the lenders on their own. Congress passed laws that said we're going to fine you and we're going to file lawsuits against you lenders if you don't make risky loans. And using the authority of the Community Reinvestment Act, the big push for subprime mortgages began in earnest during the Clinton administration. Republicans aren't completely lily-white here with hands. The Clinton administration however ramped this up. And banks that didn't play ball were subjected to serious fines and lawsuits, and regulatory obstacles were placed in their way.

Expanding access to the American Dream is a worthy goal. We all agree with that. But by blindly pursuing that goal and allowing the end to justify means, we put millions of Americans today at financial risk. Although we question what that risk might be.

Because many of these home loans are backed by mammoth government-sponsored enterprises, Fannie Mae and the Freddie Mac, kind of like your weird uncle and weird aunt, Wall Street was more than happy to trade on these egregious loans. The assumption, which was proven right, was that Uncle Sam would guarantee them. Fannie and Freddie quickly grew too big. And all calls to regulate them, made even in fact by this administration, more closely to reform their structures were ignored, ignored I would say by the current Chair of the House Financial Services Committee of which I'm privileged to serve on.

In fact, leaders in Congress such as Representative BARNEY FRANK, chairman of the House Financial Services Committee, resisted reforming Fannie and Freddie at every turn. When former Treasury Secretary John Snow pleaded before Chairman FRANK before his committee for Fannie and Freddie reform, the chairman responded, ''Fannie Mae and Freddie Mac are not in a crisis. I think we see entities that are fundamentally sound financially.'' O, that BARNEY FRANK were right. But Treasury Secretary Snow was right.

And millions of homes and a mountain of wealth were built on a foundation of sand. And when the housing bubble burst, it all began to collapse. And suddenly, the homeowners who took out loans that they couldn't afford had homes that were worth less than when they bought them. And stalwart financial giants were left holding on to billions in securities that they just couldn't cash, what are called ''illiquid assets'' that you read about in your morning paper. And without liquidity and without the free flow of credit, the market ground to a halt, and companies began to buckle.

Endless government bailouts will not prevent this crisis from repeating itself. We need to remember that. It will further cement the precedent that got us here in the first place. There are other options to bringing much-needed liquidity to the market, including infusing the market with new capital by suspending the business tax and the capital gains tax.

Also Fannie Mae and Freddie Mac need to be dismantled and quick. Now that the implicit taxpayer guarantee that they enjoyed for years has been made permanent, we have to make a clean break with them.

Accounting that artificially devalued securities and other assets could be temporarily suspended. And before Congress jumps to a full trillion dollar plus bailout, it should explore these and other market reforms. Congress should look for the best way to provide the greatest stabilization in the markets with the least taxpayer exposure.

And that is where House Republicans come in. We do not want the American taxpayer to bail out this $700 billion tab. It isn't about Wall Street. It's about this street, Washington, D.C. The Congress created this problem. For 2 years, the Democrat-controlled Congress, while this head of steam has been building, has failed to dismantle Freddie and Fannie. They have failed to dismantle the Community Reinvestment Act.

But the real issue here is the forgotten man. That is the issue. It's the forgotten man. It's the poor, beleaguered American taxpayer. Who is going to be left to bail him out?

Mr. GARRETT of New Jersey. I thank the gentlelady for your comments. And your opening comments were quite instructive.

You say we have a problem today. That we all agree on. But we should not be moving forward expeditiously without all the evidence before us so we can make the right decision. It was just the other day that during the course of this week I was in contact with a notable economist who made that point to me as well, that we should have all the data before us so that we can make a correct determination as to what is the right reform in Washington to address the problem on Wall Street. And he referred me to some data. And the data is not mine. It is not his. It is published data from the Federal Reserve. I will just spend 30 seconds on it to put it in perspective. We do know we have a problem. If you talk to most people on Wall Street, they will tell you there is a problem in the credit markets.

You have to put things in perspective with respect to where we stood before. If you look at commercial and industrial loans, seasonally adjusted, it goes from July of last year to September of this year, and you will see that leading into this week, actually commercial and industrial loans were at historic highs. And yes, on the other end of the chart it just begins to tip down, the chart shows it goes down just a little bit. And the latest data we have is from I think just 1 week ago. The next data for this week will be coming out.

It's probably telling that we can't get this information, quite honestly. I believe maybe only the Federal Reserve may have this information. But for Congress really to act intelligently, it needs information like this. This is why I threw the chart up, because the gentlelady from Minnesota said we should have information.

Here is another chart. And I will end on this because charts are hard to follow here. This is commercial paper here of nonfinancial companies, again seasonally adjusted, again from the same time frame, July of last year to September of this year. And you will see where we are, on average at the 190 level, we were peaking just going into this. Now it went down. But you see those spikes going down all the time.

On the very end of the chart, pointing over here, there is a little bit of an uptick. I can't tell you what the actual data is conclusively, whether that little uptick then goes up. I doubt it. It probably begins to spike downwards again. It is that sort of information that we would like to have specifically before us so we are not relying on anecdotal evidence. And I don't discount that, or the phone calls we receive from the street or the articles that we receive as well. We do know there is a problem out there.

I'm just pointing out, as the gentlelady from Minnesota has said, it would be a lot more beneficial before we start spending $700 billion, or for that matter even $100 billion. Because we may see a so-called ''compromise'' piece of legislation come out that says, American taxpayer, don't worry. We're not going to spend $700 billion to bail out Wall Street. We are only going to spend $100 billion. And now you should thank Washington for only spending $100 billion. So come on board with that. Some of us still have a problem with spending $100 billion on a problem that is part Wall Street's but also part Washington's.

If it were ever to again regain credibility with the American people, Congress really has to address a fundamental problem and a fundamental question, and that is to answer to the American public how come it was that for so many years, when the evidence, true evidence, data evidence, coming into Congress was showing us that this housing growth model could not sustain itself, why Congress did not pass legislation to rein it in, to reform the system, and to put into checks and balances in the past?

Well again we can go into the details why Congress didn't do that. But to get the credibility back before we move forward on new legislation involving tens or hundreds of billions of dollars, we need to answer that question.

□ 2200

With that, I would like to yield the floor to the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman from New Jersey for yielding. I also wish to take this moment to thank him for his strength of character and his depth of intellect and leadership on this issue.

It has been said if you don't know where you are going, any road will take you there. Unfortunately, we find ourselves in such a situation, as America finds itself amidst a potential economic meltdown of its financial sector.

Right now, the U.S. Congress is being asked to vote upon the Paulson-Bush-Obama-McConnell-Pelosi-Reid plan. I myself will be up front and say I think it is a disastrous policy that House Republicans should continue to resist. What we are asking Americans to do, quite simply, is to send money to the very people who caused this problem and expect them to fix it.

If I can put this in the simplest terms that even I could understand, we have a liquidity crisis in our financial markets. That means that private investors are standing on the sidelines. They do not want to put their money into purchasing toxic assets. What they are now doing is asking Congress to put your money into purchasing toxic assets, and, if you do not, then these private investors have promised to wreak havoc upon your personal savings, upon your credit ratings, upon your financial existence. And for what sin? For not giving them $700 billion to fix the problem that they caused.

House Republicans have stood against this. We have consistently tried to keep ahead of the crisis atmosphere, and we have succeeded. What we instead offered is a responsible position that protects the taxpayers, that puts private recapitalization first, so that Wall Street can bail itself out of its mess before going to the taxpayers, and

putting an appropriate backstop in place.

Now, we have been reviled for our principled opposition to what we believe is an extortion of taxpayers' precious resources. For this we have been condemned in the liberal media. For this we have been condemned by the majority Democratic Party in this House. We have been condemned by the Democratic majority in the Senate. We have been condemned by our own Republican President and his Secretary of the Treasury and the Federal Reserve Board Chairman.

In fact, I think we have recently reached the height of the disapprobation heaped upon us when earlier the Speaker of the House, in response to our refusal to spend $700 billion of taxpayer money on this problem, we were labeled ''unpatriotic.'' I suppose this should not surprise us the least bit. We had earlier heard from the Democratic vice presidential nominee, Senator BIDEN, that Republicans, because we would not raise your taxes, were also unpatriotic.

Now, there has been some debate whether there is a new Democratic Party in America. If I may link these two statements to disprove that notion, according to Senator BIDEN and Speaker PELOSI, if you do not support raising the American people's taxes and spending $700 billion of it on Wall Street, you are unpatriotic.

I disagree with this assessment, and I trust that the American people do. In fact, in many ways it tends to point out the politics that are being played here. The reality is, as has been shown so often in the past, the Republican Party in Congress is the minority party. In the House of Representatives especially, the minority has acute pangs, because we do not have the power to obstruct a single thing the majority wants to get done. Let me draw a quick comparison.

When we were debating increasing American energy production to help our constituents and ease their pain at the pump by increasing supply, we were denied a bipartisan vote on an all-of-the-above energy strategy. Today, in the debate to bail out Wall Street, we see the Speaker demanding a bipartisan vote to bail them out.

The dichotomy proves the point that if this Democratic majority truly believes, as does their Speaker and Senator OBAMA and others, in President Bush's plan, yes, I know that sounds dysfunctional, but these are the times in which we live, they would then take it upon themselves to do one of two things: They would run us over; or instead they would choose the prudent course, to work with us.

Today they are beginning to show signs they may work with us. But, unfortunately, the political games continue. We continue to hear now, in addition to being unpatriotic and obstructive, which is impossible as the minority party in the House, we continue to hear that if we resist an arbitrary Sunday midnight deadline, we, who cannot stop this bill from being passed, are going to cause the meltdown of the American and the global economy.

We instead as House Republicans are going to do what you sent us here to do, which is guard your money with which you have entrusted us. What we are going to do is reject arbitrary deadlines, for two very critical reasons important to the American people.

One is we will have no rush to misjudgment, whereby a bad bill is passed for the sake of meeting an artificial deadline that winds up being either passed into law or being forced into a no vote defeat in this House, the result of which could be the very economic meltdown we are trying to prevent.

The other alternative is if prudent consultation with Republicans and Democrats continue and we pass the arbitrary deadline, if investors' expectations are raised improperly and irresponsibly, if we do the right thing and take a prudent course with this legislation towards a pro-taxpayer outcome, the economic meltdown may still occur.

This is why House Republicans refuse to put a deadline on these economic negotiations, which are of critical interest to the American people, the same way we opposed putting artificial deadlines on our troops in Iraq. One is dedicated to preserving the prosperity of the American people, just as the other was dedicated to preserving the liberty of the American people by expanding it to the Iraqis.

We have failed to do so in the past in our negotiations with the Democratic Party to make it clear that we have learned our lesson. We will not legislate defeat, either of our troops or of the American taxpayer, and we will continue to stand strong in their defense.

Why is this critically important? If one looks at the lessons of history, we see critical times where decisions are made that affect future generations. This is such a time.

This is the first economic panic of the global economy. The precedent that we set as your servants in Congress will be followed for decades to come. If we are rushed into this by a market bent upon getting their billions from taxpayers, we will set a precedent that we will rue. If we take our time and have prudent, responsible progress towards a pro-taxpayer result, such as embodied in the Cantor-Ryan plan, we will have done our job, not only for the crisis of the present, but for future generations to come.

This is why today I say I have never been more proud to be a House Republican, because in many ways the more you are reviled for not abandoning the hard-working, responsible American people, for not abrogating their trust in you to protect their tax dollars and their futures, we wear it as a badge of honor, because that is precisely what we were elected to do as the party of Lincoln, as the party of Reagan.

And I have a history lesson as I conclude for the party of Andrew Jackson. Andrew Jackson stood tall for the working people of America in the face of every rich special interest that this Nation had. When they demanded a Bank of the United States and got a servile Congress to pass it for them, he vetoed it, not once but twice, because he knew that the best way America could grow was from families, communities and neighborhoods, not from a centralized Bank of the United States.

Today we face a centralized shadow bank of the United States on Wall Street, and this is precisely the forces that we are standing up to for the responsible, hard-working people of America. And when Andrew Jackson for the second time vetoed a charter for the Bank of the United States, he said something that I would ask every Democrat in this Chamber to remember: ''There are no necessary evils in government.''

So that when this Democratic majority brings a bill to the floor, make sure that you believe in it; because if you do not believe in it and you do not vote for it, or you do, do not go home and tell your constituents that this was a necessary evil to get through this time. And we as Republicans on our part will always remember the words of Ralph Waldo Emerson: ''If one man plant himself upon his convictions and then abide, the whole huge world will come around to him.''

We will stand our ground, backed by principle and the American people, and we will do our duty.

I yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman. We hopefully will learn from our history that there are no necessary evils in government. And it may well be if the unfortunate compromise comes about, that that is the arguments that will be made by those who propose that, that you just have to suffer a little bit in government expenditures on that; that is a necessary evil.

That is when the actual question will come about probably, is when is $700 billion not $700 billion. And the answer that may well be given, well, it is not $700 billion when we pay it out over time; $100 billion this month, $150 billion a couple months from now, $150 billion in January, $200 billion after that; and as the numbers go up, eventually to $700 billion, and maybe even more. Because that is where we stand right now with the administration and the Democrat majority essentially having originally said that there was a deal, and that means the Democrats having signed on to or basically accepted the outline of the original Paulson plan, the Bush administration plan, saying we should spend $700 billion. Anything less than that from their perspective, which we don't just do it at one time but do it over time, to the American taxpayer should be seen as the exact same thing.

That is why I said in my opening comments, don't let anyone pull the proverbial wool over your eyes by saying we have ratcheted this down somehow by making a compromise that they are going to spend it in a different manner, because to you and I it is the same thing. Also to our children and our children's children, it will be the same thing, inasmuch as the devastating impact it will have on future economies with regard to inflation, inflation, one of the most onerous taxes of all, as it steals from us without us even seeing it, as the value of our dollar goes down and down and down as the American government prints more and more money to do a bailout.

With that, once again I am pleased to be joined now by another leader on this issue, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Mr. GARRETT, my colleague from New Jersey, and say that I am happy to come and join him and my other colleagues in this. I wish I were as eloquent as they have been tonight, because they have certainly described the situation we face in very, very eloquent terms.

I would put it in some very plain terms, I believe. We can act in haste and repent at leisure. That is something I think the American people understand as well as they have understood the wonderful things said here.

We have been told again that we must act immediately or, as Speaker PELOSI has said, we are being unpatriotic. I don't believe that. I think we are being patriotic by taking our time and holding the Speaker to the promises she made in 2006: All bills would go through regular order, go through committee, come to the floor, be allowed to be amended. It would be the most bipartisan Congress ever in the history of the Congress. We have not seen that, and the taxpayers of this country deserve that.

I want to say also again, this is not a failure of our markets. It is a failure of our government, as has been said over and over and over again.

As Congresswoman BACHMANN has said, we have many options, contrary to what Secretary Paulson has said when he presented this to us. And to reiterate what Congressman MCCOTTER from Michigan said, it is important that the American people know the Democrats are in charge of this Congress. They have 231 votes. It takes only 218 to pass a bill. If they want to pass a bill, they can pass any bill they want to. They have done it this whole 20 months without our help. They don't need bipartisan support for this.

□ 2215

I would like to speak about an article from the Wall Street journal entitled ''A Mortgage Fable.''

I am not going to read this article tonight, but I do want to point out some things again, some which my colleagues have already pointed out, but just to hit some high spots. It talks about the problems, the people and the agencies that have created the problems that we are facing.

I will quote here, ''But Washington is as deeply implicated in this meltdown as anyone on Wall Street or at Countrywide Financial. Going back decades, but especially in the past 15 or so years, our politicians have promoted housing and easy credit with a variety of subsidies and policies that helped to create and feed the mania. Let us take the role of political cause and financial effect.''

Again, I am going to hit the high spots here. ''The Federal Reserve. The original sin of this crisis was easy money.

''Fannie Mae and Freddie Mac. Created by government, and able to borrow at rates lower than fully private corporations because of the implied backing from taxpayers, these firms turbocharged the credit mania. They channeled far more liquidity in the market than would have been the case otherwise.''

Fannie and Freddie's patrons on Capitol Hill didn't care about the risks inherent in their combined trillion dollar plus mortgage portfolios, so long as they help meet political goals on housing, even after taxpayers have had to pick up a bailout tab that may grow as large as $200 billion, House Financial Services Chairman BARNEY FRANK still won't back a reduction in their mortgage portfolios.

''A credit-rating oligopoly. Thanks to Federal and State regulation, a small handful of credit rating agencies pass judgment on the risk for all debt securities in our markets. Many of these judgments turned out to be wrong, and this goes to the root of the credit crisis: Assets officially deemed rock solid by the Government's favored risk experts have lately been recognized as nothing of the kind.''

''Banking regulators. In the Beltway fable, bank supervision all but vanished in recent years. But the great irony is that the banks that made some of the worst mortgage investments are the most highly regulated.''

''Meanwhile, the least regulated firms—hedge funds and private equity—have had the fewest problems, or have folded up their mistakes with the least amount of trauma. All of this reaffirms the historical truth that regulators almost always discover financial excesses only after the fact.''

''The Community reinvestment Act. This 1977 law makes banks to make loans to poor borrowers who often cannot repay them. Banks that failed to make enough of these loans were often held hostage by activists when they next sought some regulatory approval.''

''Our point here isn't to absolve Wall Street or to pretend there weren't private excesses. But the investment mistakes would surely have been less extreme, and ultimately their damage containable, if not for the political support and subsidy for mortgage credit.''

Mr. Speaker, I would like to submit for the RECORD the article from the Wall Street journal I just referred to, entitled ''A Mortgage Fable.''

[From the Wall Street Journal, Sept. 22, 2008]

A MORTGAGE FABLE

Once upon a time, in the land that FDR built, there was the rule of ''regulation'' and all was right on Wall and Main Streets. Wise 27-year-old bank examiners looked down upon the banks and saw that they were sound. America's Hobbits lived happily in homes financed by 30-year-mortgages that never left their local banker's balance sheet, and nary a crisis did we have.

Then, lo, came the evil Reagan marching from Mordor with his horde of Orcs, short for ''market fundamentalists.'' Reagan's apprentice, Gramm of Texas and later of McCain, unleashed the scourge of ''deregulation,'' and thus were ''greed,'' short-selling, securitization, McMansions, liar loans and other horrors loosed upon the world of men.

Now, however, comes Obama of Illinois, Schumer of New York and others in the fellowship of the Beltway to slay the Orcs and restore the rule of the regulator. So once more will the Hobbits be able to sleep peacefully in the shire.

With apologies to Tolkien, or at least Peter Jackson, something like this tale is now being sold to the American people to explain the financial panic of the past year. It is truly a fable from start to finish. Yet we are likely to hear some version of it often in the coming months as the barons of Congress try to absolve themselves of any responsibility for the housing and mortgage meltdowns.

Yes, greed is ever with us, at least until Washington transforms human nature. The wizards of Wall Street and London became ever more inventive in finding ways to sell mortgages and finance housing. Some of those peddling subprime loans were crooks, as were some of the borrowers who lied about their incomes. This is what happens in a credit bubble that becomes a societal mania.

But Washington is as deeply implicated in this meltdown as anyone on Wall Street or at Countrywide Financial. Going back decades, but especially in the past 15 or so years, our politicians have promoted housing and easy credit with a variety of subsidies and policies that helped to create and feed the mania. Let us take the roll of political cause and financial effect:

The Federal Reserve. The original sin of this crisis was easy money. For too long this decade, especially from 2003 to 2005, the Fed held interest rates below the level of expected inflation, thus creating a vast subsidy for debt that both households and financial firms exploited. The housing bubble was a result, along with its financial counterparts, the subprime loan and the mortgage SIV.

Fed Chairmen Alan Greenspan and Ben Bernanke prefer to blame ''a global savings glut'' that began when the Cold War ended. But Communism was dead for more than a decade before the housing mania took off. The savings glut was in large part a creation of the Fed, which flooded the world with too many dollars that often found their way back into housing markets in the U.S., the U.K. and elsewhere.

Fannie Mae and Freddie Mac. Created by government, and able to borrow at rates lower than fully private corporations because of the implied backing from taxpayers, these firms turbocharged the credit mania. They channeled far more liquidity into the market than would have been the case otherwise, especially from the Chinese, who thought (rightly) that they were investing in

mortgage securities that were as safe as Treasurys but with a higher yield.

These are the firms that bought the increasingly questionable mortgages originated by Angelo Mozilo's Countrywide and others. Even as the bubble was popping, they dived into pools of subprime and Alt-A (''liar'') loans to meet Congressional demand to finance ''affordable'' housing. And they were both the cause and beneficiary of the great interest-group army that lobbied for ever more housing subsidies.

Fan and Fred's patrons on Capitol Hill didn't care about the risks inherent in their combined trillion-dollar-plus mortgage portfolios, so long as they helped meet political goals on housing. Even after taxpayers have had to pick up a bailout tab that may grow as large as $200 billion, House Financial Services Chairman Barney Frank still won't back a reduction in their mortgage portfolios.

A credit-rating oligopoly. Thanks to federal and state regulation, a small handful of credit rating agencies pass judgment on the risk for all debt securities in our markets. Many of these judgments turned out to be wrong, and this goes to the root of the credit crisis: Assets officially deemed rock-solid by the government's favored risk experts have lately been recognized as nothing of the kind.

When debt instruments are downgraded, banks must then recognize a paper loss on these assets. In a bitter irony, the losses cause the same credit raters whose judgments allowed the banks to hold these dodgy assets to then lower their ratings on the banks, requiring the banks to raise more money, and pay more to raise it. The major government-anointed credit raters—S&P, Moody's and Fitch—were as asleep on mortgages as they were on Enron. Senator Richard Shelby (R., Ala.) tried to weaken this government-created oligopoly, but his reforms didn't begin to take effect until 2007, too late to stop the mania.

Banking regulators. In the Beltway fable, bank supervision all but vanished in recent years. But the great irony is that the banks that made some of the worst mortgage investments are the most highly regulated. The Fed's regulators blessed, or overlooked, Citigroup's off-balance-sheet SIVs, while the SEC tolerated leverage of 3o or 4o to 1 by Lehman and Bear Stearns.

The New York Sun reports that an SEC rule change that allowed more leverage was made in 2004 under then Chairman William Donaldson, one of the most aggressive regulators in SEC history. Of course the SEC's task was only to protect the investor assets at the broker-dealers, not the holding companies themselves, which everyone thought were not too big to fail. Now we know differently (see Bear Stearns below).

Meanwhile, the least regulated firms—hedge funds and private-equity companies—have had the fewest problems, or have folded up their mistakes with the least amount of trauma. All of this reaffirms the historical truth that regulators almost always discover financial excesses only after the fact.

The Bear Stearns rescue. In retrospect, the Fed-Treasury intervention only delayed a necessary day of reckoning for Wall Street. While Bear was punished for its sins, the Fed opened its discount window to the other big investment banks and thus sent a signal that they would provide a creditor safety net for bad debt.

Morgan Stanley, Lehman and Goldman Sachs all concluded that they could ride out the panic without changing their business models or reducing their leverage. John Thain at Merrill Lynch was the only CEO willing to sell his bad mortgage paper—at 22 cents on the dollar. Treasury and the Fed should have followed the Bear trauma with more than additional liquidity. Once they were on the taxpayer dime, the banks needed a thorough scrubbing that might have avoided last week's stampede.

The Community Reinvestment Act. This 1977 law compels banks to make loans to poor borrowers who often cannot repay them. Banks that failed to make enough of these loans were often held hostage by activists when they next sought some regulatory approval.

Robert Litan, an economist at the Brookings Institution, told the Washington Post this year that banks ''had to show they were making a conscious effort to make loans to subprime borrowers.'' The much-maligned Phil Gramm fought to limit these CRA requirements in the 1990s, albeit to little effect and much political jeering.

We could cite other Washington policies, including the political agitation for ''mark-to-market'' accounting that has forced firms to record losses after ratings downgrades even if the assets haven't been sold. But these are some of the main lowlights.

Our point here isn't to absolve Wall Street or pretend there weren't private excesses. But the investment mistakes would surely have been less extreme, and ultimately their damage more containable, if not for the enormous political support and subsidy for mortgage credit. Beware politicians who peddle fables that cast themselves as the heroes.

The last thing that I would like to say, because I want to give some more time to my colleague to New Jersey, is that one of the areas that I think has not been properly discussed in the last couple of days is the fact that Republicans have put out a set of economic rescue principles. They are on my Web site. I think they are on probably many other people's Web sites. I am only going to highlight these very, very quickly. These were put together by a working group, established by Republican Leader Boehner and released earlier this week.

Again, I think it's very important to that the taxpayers know we have put them first, not Wall Street. These are the three major components, a commonsense plan to have Wall Street fund the recovery, not taxpayers. You heard that first from Republicans. ''Have Private Capital Injection to the Financial Markets, Not Tax Dollars.''

''Immediate Transparency, Oversight, and Market Reform.''

Mr. Speaker, I would submit Economic Rescue Principles for the RECORD.

ECONOMIC RESCUE PRINCIPLES

COMMON SENSE PLAN TO HAVE WALL STREET FUND THE RECOVERY, NOT TAXPAYERS

Rather than providing taxpayer funded purchases of frozen mortgage assets to solve this problem, we should adopt a plan to insure mortgage back securities through payment of insurance premiums.

Currently the federal government insures approximately half of all mortgage backed securities. (MBS) We can insure the rest of current outstanding MBS; however, rather than taxpayers funding insurance, the holders of these assets should pay for it. Treasury Department can design a system to charge premiums to the holders of MBS to fully finance this insurance.

HAVE PRIVATE CAPITAL INJECTION TO THE FINANCIAL MARKETS, NOT TAX DOLLARS

Instead of injecting taxpayer capital into the market to produce liquidity, private capital can be drawn into the market by removing regulatory and tax barriers that are currently blocking private capital formation. Too much private capital is sitting on the sidelines during this crisis.

Temporary tax relief provisions can help companies free up capital to maintain operations, create jobs, and lend to one another. In addition, we should allow for a temporary suspension of dividend payments by financial institutions and other regulatory measures to address the problems surrounding private capital liquidity.

IMMEDIATE TRANSPARENCY, OVERSIGHT, AND MARKET REFORM

Increase Transparency. Require participating firms to disclose to Treasury the value of their mortgage assets on their books, the value of any private bids within the last year for such assets, and their last audit report.

Limit Federal Exposure for High Risk Loans: Mandate that the GSEs no longer securitize any unsound mortgages.

Call on the SEC to audit reports of failed companies to ensure that the financial standing of these troubled companies was accurately portrayed.

Wall Street Executives should not benefit from taxpayer funding.

Call on the SEC to review the performance of the Credit Rating Agencies and their ability to accurately reflect the risks of these failed investment securities.

Create a blue ribbon panel with representatives of Treasury, SEC, and the Fed to make recommendations to Congress for reforms of the financial sector by January 1, 2009.

I thank my colleague from New Jersey for allowing me to do this. I want to leave with a quote that our colleague, TRENT FRANKS from Arizona, gave me tonight, in an e-mail. ''If you love wealth better than liberty, the tranquility of servitude than the animated contest of freedom, go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that you were our countrymen.''

It's from Samuel Adams, and I say to those who want to support the Paulson socialism plan, this is my message to you.

Mr. GARRETT of New Jersey. I thank the gentlelady from North Carolina for joining us and also for your leadership on this crucial issue, perhaps as others have said, one of the most crucial issues we in Congress will ever vote on.

As the lady as said, as the speakers before have as well, we recognize the severity of the problem on the U.S. economy, and the global economy as well. We recognize that some action by Congress is necessary, but we suggest that the proposal that has been proposed by Secretary Paulson and ostensibly supported by the Democrat majority is the wrong proposal. Therefore, we have stepped up to the plate and suggested a House Republican proposal.

It is not simply us, we here in the House Republicans that suggest that the Paulson-Pelosi proposal is not the way to go. In my hand here is a list of, I think, several hundred economists, 192 economists from around the country, who reviewed it and expressed their view and, very briefly, they say

we want to express to Congress our great concern for the plan proposed by Treasury Secretary Paulson to deal with the financial crisis.

''We see three fatal pitfalls in the current proposed plan. One, its fairness, the plan is a subsidy to investors at taxpayer expense. Two, its ambiguity, neither the mission of the new agency, nor its oversight are clear; and, three, perhaps most important, it's long-term effects, if the plan is enacted, its effects will be with us for a generation.''

I know the President heard those remarks, it was reported on ABC. When he saw this, he said, ''I don't care what someone on some college campus says,'' ABC reports. Instead he says he trusts his Treasury secretary.

Well, quite candidly, as a representative of Congress, I trust what my constituents are saying about this situation. They realize it's an important matter. They realize it's a tightening of the credit markets. They realize that something must be done, but they also realize, as the economists do, that we should not be putting this on the backs of the taxpayers, but, rather takes gentlelady from North Carolina suggests, come up with an alternative proposal where the Wall Street players would actually be underwriting the cost of the proposal.

As the gentlelady has put into the record and outlined it, in essence what we are doing there is setting up a guaranteed fund, if you will, or backing for those mortgage-backed securities.

I will just digress on how that would work for 30 seconds, think of it this way. If you are confident in the way that Washington handles your tax dollars today, if you are confident that the way the American government, Washington, handled your tax dollars when it came to Katrina, if you are confident with the way that Congress handles your tax dollars when, year after year, we can't balance our budget like the American family has to balance their budget. If you are confident in the way that the American government in Washington handles your tax dollars when we run deficits of $100 billion, $150 billion, then $200 billion and $300 billion, now over $400 billion. With this, of course, on top of it, would be over a trillion dollars.

If you were confident with the management of the assets of the American government over the past years, then you should be absolutely confident that we would be able to set up an agency, either external to the Treasury or within the Treasury, to be able to handle $700 billion of mortgage-backed security, and that would mean, on the back side of those, all the assets of those foreclosed properties that would possibly come from that as well.

Somebody on a TV show earlier said well we did it with the RTC, and Secretary of the Treasury Paulson said, well, this is not like the RTC. But in a the way it is. We were handling those assets. At some point along the line I had to remind the commentator on the program with the RTC, it ended up costing the taxpayer around 127 to 147 billion dollars, which in today's dollars is around $220 billion. Here we are talking about $700 billion.

If you are confident the American government can do this better than anyone else, then support either the initial Paulson-Pelosi proposal or any hybrid or compromise from that that still involves that.

But if you are not so confident, if you have a question of the ability of Washington adequately handling those dollars, and if you have a question on how this may impact upon the economy and the monetization of that debt and the rise in inflation that may have followed it this year. But next year, if the production in this country does not increase, then you should be looking for an alternative, and that alternative is just what the lady from North Carolina has raised.

As I started my comment, I said, let us therefore not look to those who have brought us to this point in the first place, whether it be the Federal Reserve, with the loose lending policies that they have had for years, or the Congress who refused to step in, as I said, when evidence indicated that had there was a problem in the housing market, that a bubble was coming, that there was a problem with the GSEs, that's Fannie Mae and Freddie Mac but Congress refused to act.

Let's not go back to those individuals who brought us to that particular point for a solution, let's maybe think out of the box and look for a solution.

Another economist recently was published on this matter, to address more of the global issue, the larger issue. I will read from this, he is Chicago economist Robert Schimer from the University of Chicago. He States, as follows, ''Let me mention one other issue that I take very seriously. I recognize that this might not matter much to my Congressman, but in my view it may be the most important issue for global welfare. The U.S. has long been a beacon of free markets. When economic conditions turn sour in Argentina or Indonesia, we give very clear instructions on what to do: balance the budget, cut government employment, maintain free trade and the rule of law, and do not prop up failing enterprises. Opponents of free markets argue that this advice benefits international financiers, not the domestic market. I have always believed (at least since I began to understand economics) that the U.S. approach was correct. But when the U.S. ignores its own advice in this situation, it reduces the credibility of this stance. Rewriting the rules of the game at this stage will therefore have serious ramifications not only for people in this country but for future of global capitalism. The social cost of that is far, far greater than $700 billion.

So I end where I began, the social cost of our adopting a program, on this country, and our children and our future generation will be far, far greater than anything we can imagine if we do not do it right.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. HOYER) for September 26 until 5:15 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TANCREDO) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. POE, for 5 minutes, September 28.

Mr. JONES, for 5 minutes, September 28.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1492. An act 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; to the Committee on Energy and Commerce.

S. 2913. An act to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

S. 3109. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Energy and Commerce.

S. 3192. An act to amend the Act of August 9, 1955, to authorize the Cow Creek band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land; to the Committee on Natural Resources.

S. 3477. An act to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Oversight and Government Reform.

S. 3536. An act to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes; to the Committee on Oversight and Government Reform.

S. 3641. An act to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of the 1984; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the

House of the following titles, which were thereupon signed by the Speaker:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

H.R. 5975. An act 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. An act 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''.

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

H.R. 6437. An act 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''.

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 496. An act to reauthorize and improve the program authorized by the Apalachian Regional Development act of 1965.

S 1046. An act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other other purposes.

S. 1382—An act to amend the Public Health Service act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1810—An act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and posnatally diagnosed conditions.

S. 2482—An act to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

S. 2606—An act to reauthorize the United States Fire Administration, and for other purposes.

S. 2932—An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

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

S. 3560—To amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 26, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 923. To provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. To extend the grant program for drug-endangered children.

H.R. 3986. To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5834. To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

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.

H.R. 6893. To amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

H.R. 6984. To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, September 28, 2008, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8801. A letter from the U.S. House of Representatives, Clerk, transmitting notification, pursuant to section (1)(k)(2) of H.R. 895, that the board members and alternate board members of the Office of Congressional Ethics: Former Congressman David Skaggs; Former Congressman Porter J. Goss; Former Congresswoman Yvonne Brathwaite Burke; Former House Chief Administrative Officer Jay Eagen; Former Congresswoman Karan English; Professor Allison Hayward; Former Congressman Abner Mikva; and Former Congressman Bill Frenzel, have individually signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Elecion Campaign

8802. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Dry Pea Crop Provisions (RIN: 0563-AC14) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8803. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Benjamin S. Griffin, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8804. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Wood, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8805. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8806. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8037] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8807. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — FOREIGN ISSUER REPORTING ENHANCEMENTS [RELEASE NOS. 33-8959; 34-58620; INTERNATIONAL SERIES RELEASE NO. 1310; File No. S7-05-08] (RIN: 3235-AK03) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8808. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals [[Docket No. FDA-2003-N-0427] (formerly Docket No. 2003N-0400)] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8809. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Castle Rock, Colorado) [MB Docket No. 08-106 RM-11447] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8810. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beeville, Christine, George West, and Tilden, Texas) [MB Docket No. 07-78 RM-11366 RM-11383] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8811. A letter from the Legal Advisor/Chief, Wireless Telecomm. Bur., Federal Communications Commission, transmitting the

Commission's final rule — In the Matter of Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems [WT Docket No. 04-344] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8812. A letter from the Associate Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 90.20(e)(6) of the Commission's Rules [WT Docket No. 06-142 RM-11135] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8813. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8814. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule (''TSR'') (RIN: 3084-AA98) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8815. 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.

8816. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Registration Fee Change [Public Notice] (RIN: 1400-AC50) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8817. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8818. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8819. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8820. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8821. 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.

8822. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York [Docket No. 071030625-7696-02] (RIN: 0648-XK19) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8823. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 6 to the Monkfish Fishery Management Plan [Docket No. 080627793-81063-02] (RIN: 0648-AW81) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8824. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XK38) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8825. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XK29) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8826. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XJ69) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8827. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No. 070717340-8451-02] (RIN: 0648-XK16) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8828. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XK24) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8829. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 080509647-81084-02] (RIN: 0648-AW84) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8830. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Nomenclature Change to Rename the ''Haddock Rope Trawl'' the ''Ruhle Trawl''; Final Rule [Docket No. 0808251151-81155-01] (RIN: 0648-AX18) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8831. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Adjustment of Civil Penalties for Inflation [NRC-2008-0412] (RIN: 3150-AI45) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Altus AFB, OK [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Salida, CO [Docket No. FAA-2007-0293; Airspace Docket No. 07-ANM-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Southwest Oregon [Docket No. FAA-2008-0038; Airspace Docket No. 07-ANM-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Plains, TX [Docket No. FAA-2008-0683; Airspace Docket No. 08-ASW-11] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0470 Directorate Identifier 2008-CE-026-AD; Amendment 39-15645; AD 2008-17-07] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-29174; Directorate Identifier 2007-NM-125-AD; Amendment 39-15641; AD 2008-17-03] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL Swidnik S.A. Model W-3A Helicopters [Docket No. FAA-2008-0844; Directorate Identifier 2007-SW-23-AD; Amendment 39-15635; AD 2008-16-17] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2008-0406; Directorate Identifier 2007-NM-196-AD; Amendment 39-15640; AD 2008-17-02] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Airplanes [Docket No. FAA-2008-0584; Directorate Identifier 2007-NM-315-AD; Amendment 39-15639; AD 2008-17-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No. FAA-2008-0179; Directorate Identifier 2007-NM-367-AD; Amendment 39-15572; AD 2008-13-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-0043; Directorate Identifier 2007-NM-058-AD; Amendment 39-15632; AD 2008-16-14] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes [Docket No. FAA-2008-0685 Directorate Identifier 2008-CE-037-AD; Amendment 39-15638; AD 2008-16-20] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes [Docket No. FAA-2008-0626 Directorate Identifier 2008-CE-035-AD; Amendment 39-15637; AD 2008-16-19] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F Airplanes [Docket No. FAA-2008-0497; Directorate Identifier 2007-NM-096-AD; Amendment 39-15629; AD 2008-16-11] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. FAA-2007-0036; Directorate Identifier 2007-NE-22-AD; Amendment 39-15636; AD 2008-16-18] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No. FAA-2008-0375; Directorate Identifier 2007-NM-272-AD; Amendment 39-15627; AD 2008-16-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 230 Helicopters [Docket No. FAA-2008-0450; Directorate Identifier 2007-SW-39-AD; Amendment 39-15634; AD 2008-16-16] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2008-0837; Directorate Identifier 2008-CE-043-AD; Amendment 39-15633; AD 2008-16-15] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Dierctives; Boeing Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No. FAA-2008-0413; Directorate Identifier 2008-NM-003-AD; Amendment 39-15631; AD 2008-16-13] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. FAA-2008-0520; Directorate Identifier 2008-NM-018-AD; Amendment 39-15630; AD 2008-16-12] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class E5 Airspace; Madison, CT [Docket No. FAA-2008-0665; Airspace Docket 08-ANE-100] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kivalina, AK [Docket No. FAA-2008-0452; Airspace Docket No. 08-AAL-11] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pampa, TX [Docket No. FAA-2008-0610; Airspace Docket No. 08-ASW-10] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Colored and VOR Federal Airways; Alaska [Docket No. FAA-2007-0092; Airspace Docket No. 07-AAL-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Removal of Class E Airspace; Roanoke Rapids, NC [Docket No. FAA-2008-0307; Airspace Docket 08-AEA-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Collins, CO [Docket No. FAA-2008-0336; Airspace Docket No. 08-ANM-4] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2008-0627; Directorate Identifier 2008-CE-033-AD; Amendment 39-15647; AD 2008-17-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Powered Sailplanes [Docket No. FAA-2008-0649; Directorate Identifier 2008-CE-038-AD; Amendment 39-15646; AD 2008-17-08] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Area Navigation Route Q-110 and Jet Route J-73; Florida [Docket No. FAA-2008-0187; Airspace Docket No. 07-ASO-27] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Altus AFB, OK [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Factoryville, PA [Docket No. FAA-2007-29361; Airspace Docket 07-AEA-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Rome, NY [Docket No. FAA-2008-0550; Airspace Docket 08-AEA-21] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Red Dog, AK [Docket No. FAA-2008-0457; Airspace Docket No. 08-AAL-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rome, NY [Docket No. FAA-2008-0308; Airspace Docket No. 08-AEA-19] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of

Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model 390 Airplanes [Docket No. FAA-2008-0353; Directorate Identifier 2007-CE-101-AD; Amendment 39-15620; AD 2008-16-02] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2008-0541; Directorate Identifier 2008-NM-063-AD; Amendment 39-15624; AD 2008-16-06] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4131. A bill to designate a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway'' (Rept. 110–895). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6589. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; with an amendment (Rept. 110–896 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1514. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–897). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 6589 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 Mrs. MALONEY of New York (for herself, Mr. NADLER, Mr. FOSSELLA, Mr. KING of New York, Mr. RANGEL, Mr. ENGEL, Mr. TOWNS, Mr. WALSH of New York, Mr. KUHL of New York, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. HALL of New York, Mr. MCNULTY, Mr. HINCHEY, Mr. ISRAEL, Mr. CROWLEY, Mrs. GILLIBRAND, Mr. ARCURI, Mr. SHAYS, Mr. SMITH of New Jersey, Ms. SLAUGHTER, Mr. HIGGINS, Ms. CLARKE, Mr. SERRANO, Mr. BISHOP of New York, Mr. ACKERMAN, and Mr. GARRETT of New Jersey):

H.R. 7174. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, 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 Ms. VELÁZQUEZ (for herself, Mr. CHABOT, Mr. DAVID DAVIS of Tennessee, Ms. CLARKE, and Mr. CUELLAR):

H.R. 7175. A bill to amend the Small Business Act to improve the section 7(a) lending program, and for other purposes; to the Committee on Small Business.

By Mrs. BONO MACK (for herself, Mr. BARROW, and Mr. BARTON of Texas):

H.R. 7176. A bill to prohibit the installation on a computer of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 7177. A bill to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes; to the Committee on Foreign Affairs. considered and passed.

By Mr. DAVIS of Alabama (for himself, Mr. ALTMIRE, and Mr. WALZ of Minnesota):

H.R. 7178. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. SHAYS):

H.R. 7179. A bill to amend the Public Health Service Act to provide coordinated leadership in Federal efforts to prevent and reduce obesity and to promote sound health and nutrition among Americans, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, 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. BLUMENAUER (for himself, Mr. PAYNE, Mr. MANZULLO, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. LATOURETTE, and Mr. JONES of North Carolina):

H.R. 7180. A bill to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 and to improve access to safe drinking water and sanitation throughout the world; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. KIND, Mr. MCDERMOTT, Mr. FATTAH, Ms. HOOLEY, and Mr. WU):

H.R. 7181. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for consultations regarding orders for life sustaining treatment and to provide grants for the development and expansion of programs for such orders; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 7182. A bill to amend the Immigration and Nationality Act to include in the definition of the term ''aggravated felony'' a criminal violation committed by an alien who unlawfully entered the United States; to the Committee on the Judiciary.

By Mr. ENGEL (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 7183. A bill to direct the Secretary of State to work with the Government of Brazil and the governments of other countries in the Western Hemisphere to develop partnerships to strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 7184. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B nonimmigrants; to the Committee on the Judiciary.

By Ms. FOXX:

H.R. 7185. A bill to amend titles 23 and 49, United States Code, to repeal wage requirements applicable to laborers and mechanics employed on Federal-aid highway and public transportation construction projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 7186. A bill to amend title 49, United States Code, with respect to the regulation of solid waste by the Environmental Protection Agency; to the Committee on Transportation and Infrastructure, 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. MATHESON:

H.R. 7187. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 7188. A bill to amend the Truth in Lending Act to establish certain advertising and disclosure requirements with respect to tax refund anticipation loans, and for other purposes; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California:

H.R. 7189. A bill to ensure that any troubled assets relief program of the Treasury provides for purchase of vacant properties backing such troubled assets by regional public-private partnerships to retain the value of such real estate, stabilize communities, and minimize the fiscal impact on taxpayers; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California:

H.R. 7190. A bill to provide for the reform of fair value accounting standards applicable to financial institutions; to the Committee on Financial Services.

By Ms. SCHWARTZ:

H.R. 7191. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid and SCHIP programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H.R. 7192. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and to improve patient access to primary care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, 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. SHERMAN (for himself and Mr. ROYCE):

H.R. 7193. A bill to require a report on business and investment climates in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SOLIS:

H.R. 7194. A bill to distribute proceeds from greenhouse gas emissions allowance auctions to low and moderate income households, through refundable tax credits for wage earners and senior citizens and monthly rebates to low-income citizens, to offset any loss in purchasing power such households may experience as a result of the regulation of greenhouse gas emissions; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD of Kentucky:

H.R. 7195. A bill to entitle affected participants under a pension plan referred to in the USEC Privatization Act to payment for benefit increases not received; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX (for himself, Mr. ALEXANDER, and Mr. MELANCON):

H.R. 7196. A bill to require the Secretary of Agriculture to provide crop disaster assistance to agricultural producers that suffered qualifying quantity or quality losses for the 2008 crop year due to a natural disaster; to the Committee on Agriculture.

By Mr. LAMBORN (for himself and Mr. WITTMAN of Virginia):

H. Con. Res. 437. Concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the ''Tree of Life'' National EMS Memorial honoring emergency medical services personnel who have died in the line of duty; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. CONYERS, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. WATSON, Ms. NORTON, Mr. RUSH, Mr. WATT, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, and Mr. BISHOP of Georgia):

H. Con. Res. 438. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Gustav and Ike and Tropical Storms Fay and Hanna; to the Committee on Foreign Affairs.

By Mr. HALL of Texas:

H. Res. 1512. A resolution expressing support for designation of February 8, 2010, as ''Boy Scouts of America Day'' in celebration of the 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. FOSTER:

H. Res. 1513. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eleventh Congress; considered and agreed to.

By Mr. SALI (for himself, Mr. BARTLETT of Maryland, and Mr. SESSIONS):

H. Res. 1515. A resolution amending the Rules of the House of Representatives to strengthen the point of order against the consideration of congressional earmarks, and for other purposes; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, 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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added and resolutions as follows:

H.R. 154: Mrs. BONO MACK.
H.R. 699: Mr. KUHL of New York.
H.R. 741: Mr. MCKEON.
H.R. 819: Mr. CASTLE.
H.R. 1074: Mr. ISRAEL.
H.R. 1279: Mr. MCGOVERN.
H.R. 1283: Mrs. DAVIS of California.
H.R. 1967: Mr. CARTER.
H.R. 2045: Mrs. BONO MACK .
H.R. 2713: Mr. SOUDER.
H.R. 2870: Ms. SCHAKOWSKY.
H.R. 2965: Ms. EDWARDS of Maryland.
H.R. 3212: Mr. SMITH of Washington and Mr. BAIRD
H.R. 3929: Ms. MCCOLLUM of Minnesota.
H.R. 4138: Mr. COURTNEY and Mr. SALAZAR.
H.R. 4236: Mr. CAZAYOUX.
H.R. 4294: Mr. ARCURI.
H.R. 5268: Ms. ROYBAL-ALLARD.
H.R. 5635: Mr. CARNEY and Mr. WHITFIELD of Kentucky.
H.R. 5673: Mr. GINGREY.
H.R. 5714: Mr. CASTLE, Mr. FOSSELLA, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. GOODLATTE, Mr. BONNER, Mr. BRADY of Texas, Mr. COLE of Oklahoma, Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. PORTER, Mr. REHBERG, Mr. SMITH of Nebraska, Mr. PAUL, Mr. LINDER, Mr. FRANKS of Arizona, Mr. ROHRABACHER, Mr. RADANOVICH, Mr. PITTS, Mr. FRELINGHUYSEN, Mr. HOBSON, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. MARCHANT, Mr. TERRY, Mr. SHIMKUS, Mr. STEARNS, Mr. BUYER, Ms. HARMAN, Ms. SLAUGHTER, Ms. LEE, Mr. MICHAUD, Mr. INGLIS of South Carolina, Mr. BAIRD, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOSWELL, Mrs. CAPPS, Mr. CHANDLER, Ms. CLARKE, Mr. CLYBURN, Mr. COOPER, Mr. COSTELLO, Mr. DONNELLY, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HILL, Ms. HOOLEY, Mr. KENNEDY, Mr. LIPINSKI, Mr. MATHESON, Mr. MELANCON, Mr. MOLLOHAN, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. SCOTT of Virginia, Ms. WATERS, Mr. WILSON of Ohio, Mrs. MCMORRIS RODGERS, Mr. RUSH, Mr. SALAZAR, Mr. PICKERING, Mr. RYAN of Ohio, Mr. KING of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTON of Texas, Ms. SUTTON, Mr. LANGEVIN, Mr. HALL of Texas, Mr. MCGOVERN, Mr. BURTON of Indiana, Ms. GIFFORDS, Ms. DELAURO, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. COHEN, MR. RAHALL, Ms. EDWARDS of Maryland, Mr. CLEAVER, Ms. HIRONO, Mr. WALBERG, Mr. ROTHMAN, Mr. MCCAUL of Texas, Mr. KNOLLENBERG, Mr. LATOURETTE, Mr. FOSTER, Mr. PETRI, Mr. KINGSTON, and Mr. PASCRELL.
H. R. 5734: Mr. ROSKAM.
H. R. 5878: Mr. HOLT and Ms. ROYBAL-ALLARD.
H. R. 6076: Mr. NADLER and Mr. BERMAN.
H. R. 6127: Mr. LATHAM and Mr. PLATTS.
H. R. 6160: Ms. BORDALLO.
H. R. 6203: Mr. SERRANO and Ms. SUTTON.
H. R. 6259: Mr. PASCRELL.
H. R. 6324: Mr. ENGEL.
H. R. 6407: Ms. SCHAKOWSKY.
H. R. 6562: Mr. MCCOTTER and Mr. MITCHELL.
H. R. 6643: Mr. VAN HOLLEN.
H. R. 6749: Mr. GRIJALVA.
H. R. 6787: Mr. BAIRD.
H. R. 6869: Mr. CARNEY, Mr. HIGGINS, and Mr. GONZALEZ.
H. R. 6873: Mr. KUCINICH.
H. R. 6896: Mr. DANIEL E. LUNGREN of California and Mr. ENGLISH of Pennsylvania.
H. R. 6913: Ms. WATERS.
H. R. 6939: Ms. HERSETH SANDLIN.
H.R. 6987: Mr. PEARCE, and Mrs. BACHMANN.
H.R. 7003: Mr. BISHOP of New York.
H.R. 7013: Ms. SCHAKOWSKY.
H.R. 7032: Mrs. BONO Mack.
H.R. 7056: Ms. SCHAKOWSKY.
H.R. 7113: Mr. RYAN of Ohio.
H.R. 7119: Mr. MCHUGH.
H.R. 7122: Ms. BORDALLO.
H.R. 7124: Mr. AKIN and Mr. CANNON.
H.R. 7125: Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. MCGOVERN.
H.R. 7162: Mr. GONZALEZ.
H. Con. Res. 424: Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. ORTIZ, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. Hinche.
H. Con. Res. 426: Mr. ELLISON.
H. Con. Res. 428: Mrs. MYRICK and Mr. MCCOTTER.
H. Res. 245: Mr. DAVIS of Kentucky and Mr. PASCRELL.
H. Res. 373: Mr. CONYERS.
H. Res. 1017: Ms. HIRONO.
H. Res. 1437: Mrs. BACHMANN.
H. Res. 1462: Mr. COHEN, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. Tsongas, Mrs. CAPPS, Mr. PASCRELL, and Ms. GIFFORDS.
H. Res. 1478: Mr. REGULA, Mr. MCCAUL of Texas, and Ms. SCHAKOWSKY.
H. Res. 1483: Mr. CROWLEY and Mr. GALLEGLY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 421: Mr. LIPINSKI.