United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, OCTOBER 2, 2008 No. 160

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 2, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

Almighty God, guide our lawmakers through this day with Your higher wisdom. May faith replace fear, truth arise over falsehood, justice triumph over greed, love prevail over hate, and peace conquer strife.

Guide us, O God of power and strength. We are weak, but You are mighty. Lead us with Your powerful hand.

Strong Deliverer, intervene in these crisis circumstances and give us Your peace. Make the Members of this body part of Your answer for the problems of our time. Show them what You want them to do, and may they leave the results to You. You are Lord and Savior. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2008, at 2:00 p.m.:

That the Senate passed without amendment H.R. 3511.

That the Senate passed without amendment H.R. 6199.

That the Senate passed without amendment H.R. 6229.

That the Senate passed without amendment H.R. 6338.

That the Senate passed without amendment H.R. 6681.

That the Senate passed without amendment H.R. 6847.

That the Senate passed without amendment H.R. 6874.

That the Senate agreed to without amendment H. Con. Res. 416.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 1, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 1, 2008, at 9:34 a.m.:

That the Senate passed without amendment H.R. 1594.

That the Senate passed without amendment H.R. 1714.

That the Senate passed without amendment H.R. 4544.

That the Senate passed without amendment H.R. 6045.

That the Senate passed without amendment H.R. 6073.

That the Senate passed without amendment H.R. 6083.

That the Senate passed without amendment H.R. 6353.

That the Senate passed without amendment H.R. 6524.

That the Senate passed without amendment H.R. 6531.

That the Senate passed without amendment H.R. 7084.

That the Senate concurs in the House amendments S. 431.

That the Senate concurs in the House amendments S. 1492.

That the Senate passed S. 3197.

That the Senate passed S. 3658.

Appointments:

Advisory Committee on Student Financial Assistance.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

Printed on recycled paper.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 2, 2008, at 9:45 a.m.:

That the Senate passed with amendment H.R. 1424.

That the Senate agreed to the House amendment to the Senate amendment H.R. 2095.

That the Senate passed without amendment H.R. 7081.

That the Senate passed without amendment H.R. 7177.

That the Senate passed without amendment H.R. 7198.

That the Senate passed S. 602.

That the Senate passed S. 1703.

That the Senate passed S. 3013.

That the Senate passed S. 3073.

That the Senate agreed to S. Con. Res. 105.

Appointments:

Commission on the Abolition of the Transatlantic Slave Trade.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Monday, September 29, 2008:

H.R. 1157, 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. 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;

H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes;

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;

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;

H.R. 6946, to make a technical correction in the NET 911 Improvement Act of 2008;

S. 2162, 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;

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;

S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes;

S. 3597, to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009;

and by Speaker pro tempore HOYER on Wednesday, October 1, 2008:

S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PRIVATE FIRST CLASS CHRISTOPHER T. FOX

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

Mr. COHEN. Mr. Speaker, as we are involved in this crisis with the economy, the world goes on. And part of the world is the war in Iraq.

Unfortunately, when I returned home to Memphis, I learned that one of our citizens, Private First Class Christopher T. Fox, United States Army, became the 4,178th casualty in the Iraq war. He was the ninth casualty from my District; a 21-year-old gentleman who went to Hamilton High School, whose stepfather lives in Memphis, Mr. Randall Hancock, and whose guardian is in Knoxville, Tennessee.

Private First Class Fox served this country admirably. He had a great love for the Army. He was due to get out in July, and looking forward to going to UT Knoxville in the fall. He played football at Hamilton High School. He loved his country.

The people of the Ninth District, the people of Shelby County, the people of Tennessee, and all of us in America appreciate his sacrifice and his service and join his family in grieving his loss. Thank you for your good deeds on Earth, Private First Class Fox.

ELKIN CITY SCHOOLS HONORED FOR NORTH CAROLINA'S HIGHEST GRADUATION RATE

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

Ms. FOXX. Mr. Speaker, today I want to highlight some good news from the Fifth District of North Carolina.

Last month, the State of North Carolina recognized Elkin City Schools in Elkin, North Carolina for having the best graduation rate in the entire State.

By graduating nine out of ten seniors this past school year, Elkin City Schools is blazing a trail of high academic standards in Northwest North Carolina.

Elkin's efforts to make sure its students cross the finish line will pay real dividends for the Elkin community in the future. An outstanding high school graduation rate not only has a stabilizing effect on the social fabric of the community, but it also lays a foundation for young adults ready to take their place as community leaders and productive members of society.

Congratulations to Elkin City Schools, its many graduates, their parents, faculty, and staff. You have set the standard for excellence.

□ 1215

RESTORING CONFIDENCE

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

Mr. FARR. Mr. Speaker, I rise to share the anger expressed by my constituents and constituents of many Members of Congress—anger over the financial mess that we are in, anger at Wall Street for the greed that got us there, and anger at the White House for the arrogance in asking Congress to authorize $700 billion without any conditions.

However, the public should not be angry that the Congress has tried to respond, not to the President's request but to the public's need for checks and balances. We wrote an entirely new bill, the contents of which are on every Member's Web site. It provides relief with checks and balances, oversight for taxpayer safeguards, and addresses obscene salaries and abusive golden parachutes. It is not a perfect bill, but it is a responsible bill.

The best thing that came out of the last 10 days is that the institutions of government became responsible for governing the affairs of this Nation in a bipartisan manner. Now let's hope that this House will follow the leadership of the Senate last night in passing a responsible recovery plan.

In the end, it is the institutions of government that have to regain confidence. Let's hope that this November election will elect leadership that can restore that confidence to the Nation and the world.

DOING NOTHING IS UNACCEPTABLE

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

Mr. WILSON of South Carolina. Mr. Speaker, the economic recovery bill we have before us does not include every free market idea I believe would improve it. But when the retirement savings of hardworking Americans are threatened, when businesses start to fail, jobs begin to dry up, or jobs of American taxpayers are in danger, it is clear that the price of doing nothing far exceeds the price of what we are considering.

Small businesses and families are the heart of this bill. They did not cook the books or make bad financial decisions. They had faith in the free market and worked hard for their success.

This bill is an imperfect option in a tragic situation, but it protects jobs and taxpayers. It provides transparency and oversight to the actions of the Treasury. It provides free market alternatives to spending tax dollars, like insurance, loans, and an increase in the FDIC cap. And it helps keep taxpayers from paying an even higher price for the misdeeds of Wall Street.

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

BAD BETS MADE BY WALL STREET

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

Mr. DEFAZIO. The legislation the House will take up tomorrow that was jammed through the Senate last night will do nothing for the weakening fundamentals in the United States. It isn't going to help with declining housing prices, foreclosures, job loss, income disparity, or lack of health care. None of those things will be addressed. It doesn't address the crumbling infrastructure. It is not aimed at the real economy. It is aimed at the fraud, the speculative activity and the bad bets made by Wall Street executives.

Now they purport this is necessary to free up credit, and some are going to say I am voting for the bill because it lifts the FDIC limit. The administration can do that without spending $700 billion. They are going to say I'm doing it because it changed the mark-to-market rules. Those two things are critical to my banks at home in Oregon, but you can do that without spending $700 billion with a stroke of the pen.

It leaves out one other critical measure, the certificate's net worth that it would use for the savings and loan. That would take legislation, and that is not in here.

We are going to spend $700 billion to solve a problem that could perhaps be resolved for no cost to the American taxpayer. If we are going to borrow money, borrow it to invest in America's Main Street, not Wall Street.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should heed the gavel.

DON'T BREAK THE AMERICAN TAXPAYER

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

Mr. POE. Mr. Speaker, the bill to bail out the elite financial industry in New York that caused this mess failed this House, but our Senate colleagues are sending us a new bill, four times longer than the 100-page bill rejected by us.

The bill to stabilize the financial industry is now packed with squeaky pork. One would ask, what does pork have to do with the financial industry? Well, nothing of course. But the Senate bill with the piglets will help these entities: new tax earmarks for film and TV production; litigants in the Exxon Valdez incident; wooden arrows used by school children.

There are more tax earmarks: auto racing tracks; Indian tribes; wool research; and get this one, Virgin Islands and Puerto Rican rum. I am not making this up. There are more breaks for the railroads and the mining industry. None of these solve our banking and financial crisis. Why are they in this bill?

The House needs to deal with this financial situation to make sure that those responsible are held accountable and that the American taxpayers aren't forced to go broke paying for this financial rescue.

And that's just the way it is.

RIGHT DEAL, NOT FAST DEAL

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

Ms. KAPTUR. Mr. Speaker, as the House approaches a vote on the Senate's Wall Street bailout bill, I urge caution to my colleagues. We need regular order, not panic. We want the right deal, not a fast deal. There is a better way to address the credit crunch facing our banks than taxpayers printing money for Wall Street's bad actions. We must use the FDIC as we did in the 1980s to resolve thousands of problem institutions. In those days, we had over $100 billion worth of resolutions that cost but $1.8 billion to the insurance fund, not the taxpayer.

We need to have the Securities and Exchange Commission work with our banks on how they account for the real estate on their books not with arbitrary indexes and measures, but rather to true value. That would unlock billions of dollars, $500 billion in the system today, and would ease interbank lending.

Let's use the right medicine, not a Band-aid through which a hemorrhage will soon break as our deficit explodes even more and the value of the dollar declines further. Let's have the wisdom and courage to do what's right.

AMERICAN JOBS AND ECONOMY AT RISK

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

Mr. CAMPBELL of California. Mr. Speaker, on Monday afternoon after this House rejected and defeated the economic recovery bill, Americans lost over $1 trillion in the stock market. They lost over $1 trillion in their savings and in their investment and in their retirement accounts. If we do not act, that will be just the beginning. Why, they would have been better off if we had taken the $700 billion in that bill and thrown it in the Potomac. But that is not what this bill will do.

This bill takes that $700 billion and buys assets which have three different backstops to make sure that the taxpayers not only get all of their money back, but could perhaps actually make a profit.

Mr. Speaker, American jobs are at risk, the economy is at risk, their retirements are at risk. We must act. I hope we follow the Senate's lead tomorrow and pass this bill.

ECONOMY STRUGGLING

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

Mr. PERLMUTTER. Mr. Speaker, third-quarter data released yesterday highlighted the decrease in home values in 24 out of 25 metropolitan areas, and jobless claims rose to a 7-year high. Our economy is struggling, and people across America are having trouble selling their homes and buying inventory for their businesses.

While no one likes the situation we are in, we must do what we can to help America and its families. So I support the financial legislation which has been proposed and is coming to us from the Senate.

I encourage the Treasury to work through the Small Business Administration, the Farm Credit Administration, and the Federal Home Loan Bank Board so credit flows to people living in Colorado and across the country. This is one of the most important pieces of economic legislation we have had in decades. And, clearly, the fluctuations in the markets over the past few days and the credit crisis we face must demonstrate we cannot give up on a solution. I believe this is a plan that will help stabilize the market and protects taxpayers, and I support it.

FREE MARKET, NOT SPREE MARKET

(Mr. KUCINICH asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KUCINICH. If someone sticks up a bank, they get a jail sentence. Wall Street sticks up the Nation, they get a $700 billion bailout. The free market doesn't mean Wall Street should be free to steal from the American taxpayer. It's a free market, not a spree market.

The American values of fairness, frugality, and faith are being sacrificed to greed. The Senate took a dreadful bill that failed on the House floor and made no substantive changes to help homeowners and to enact substantive regulatory protections for investors, and instead attached tax provisions that have absolutely nothing to do with the underlying financial crisis.

Among the tax credits are tax credits for banks; we're borrowing money from banks to give money to banks, and we take toxic assets in return. The problem is people can't pay for their mortgages and their homes are endangered. You have to remember this: if this bill passes, it doesn't address the underlying crisis. People can't pay for their mortgages. The market may go up temporarily, but people will still be losing their homes, and what will we have accomplished? Wake up, America.

WHY SHOULD TAXPAYERS GET THE LEFTOVERS?

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

Mr. DOGGETT. Mr. Speaker, I commend Warren Buffet on his confidence in American business, but his recent combined investment in Goldman Sachs and General Electric was not a charitable donation. He is not purchasing toxic securities; he is buying preferred stock. Why should American taxpayers get anything less? Why does he buy the preferred, and we buy the leftovers?

I share my neighbors' concerns about the impact of some in Washington hitting the panic button on their retirement, their home, or their business. But when markets are poisoned, you demand the best antidote—Not yield to another of President Bush's take-it-or-leave-it demands.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON TODAY

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules on the legislative day of Thursday, October 2, 2008, relating to the following measures: S. 3197; S. 3641; and H.R. 7221.

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

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 motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3197) to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3197

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard and Reservists Debt Relief Act of 2008''.

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in clauses (i) and (ii)—

(A) by indenting the left margin of such clauses 2 ems to the right, and

(B) by redesignating such clauses as subclauses (I) and (II), respectively,

(2) by striking ''testing, if the debtor is a disabled veteran'' and inserting the following:

''testing—

''(i) if the debtor is a disabled veteran'',

(3) by striking the period at the end and inserting ''; or'', and

(4) by adding at the end the following:

''(ii) with respect to the debtor, while the debtor is—

''(I) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

''(II) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days;

if after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.''.

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall complete and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a study of the use and the effects of the provisions of law amended (and as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors in cases under title 11 of the United States Code that are substantially related to service that qualifies such members for the benefits of such provisions,

(3) whether and to what degree such members are debtors in cases under such title that are materially related to such service, and

(4) the effects that the use by such members of section 707(b)(2)(D) of such title, as amended by this Act, has on the bankruptcy system, creditors, and the debt-incurrence practices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of the provisions of law amended (and as amended) by this Act if more than 33 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service,

(2) a case shall be considered to be materially related to the service of a member of a reserve component of the Armed Forces or a member of the National Guard that qualifies such member for the benefits of such provisions if more than 10 percent of the aggregate amount of the debts in such case is incurred as a direct or indirect result of such service, and

(3) the term ''effects'' means—

(A) with respect to the bankruptcy system and creditors—

(i) the number of cases under title 11 of the United States Code in which members of reserve components of the Armed Forces and members of the National Guard avail themselves of the benefits of such provisions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members in cases under chapter 7 of such title as of the time such cases are converted to cases under chapter 13 of such title,

(v) the amount of resources expended by the bankruptcy courts and by the bankruptcy trustees, stated separately, in cases under title 11 of the United States Code in which such members avail themselves of the benefits of such provisions, and

(vi) whether and to what extent there is any indicia of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—

(i) any increase in the average levels of debt incurred by such members before, during, or after such service,

(ii) any indicia of changes in debt-incurrence practices adopted by such members in anticipation of benefitting from such provisions in any potential case under such title; and

(iii) any indicia of abuse or potential abuse of such provisions reflected in the debt-incurrence of such members.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) 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 to revise and extend their remarks and include extraneous material on S. 3197.

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.

The consumer bankruptcy overhaul signed into law 3 years ago adds a means test that presumes a debtor is abusing the law if he or she has income that exceeds a modest threshold, and thereby forces the debtor into a multiyear repayment plan.

This bill, S. 3197, excepts qualifying National Guard and Reserve members from that presumption of abuse. We have the gentlewoman from Illinois (Ms. SCHAKOWSKY) to thank for this.

With half a million members of the National Guard and Reserve called to Iraq and Afghanistan since 9/11, many serving multiple tours of duty, the financial toll on their families has been severe.

□ 1230

It's estimated that up to 26 percent of National Guard members deployed experience money problems as a direct result. And so the measure before us makes an exception-to-the-means test presumption of abuse for National Guard and Reserve members who serve 90 days since September 11, 2001, and for a year and a half after they leave service. I'm heartened to know that we now have the opportunity to provide this modest but important relief to these brave men and women in the service.

I also commend Ranking Member LAMAR SMITH of Texas who has helped make this a bipartisan endeavor.

I reserve the balance of my time.

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

I'm happy that the House is able to complete today the Congress' consideration of this bipartisan legislation. As we have stated at every turn, Republicans strongly support the mission and appreciate the sacrifice of our dedicated Reservists and Guardsmen. We continue to agree that Reservists and Guardsmen who are plunged into bankruptcy by the demands of their service should be given a helping hand under the Bankruptcy Code.

Earlier this session, Judiciary Committee Republicans labored long and hard to achieve a workable compromise that would help these willing warriors. The merger issue for us was simple—that the bill respond to bankruptcies attributable to a Reservist's or Guardsman's service. The Senate has returned a bill to us that preserves the balance that we struck. The Senate has added one amendment, but it is technical in nature and was sought by the Administrative Office of the United States courts.

I urge all Members to support the passage of this legislation, and I look forward to the bill's implementation as law. I also look forward to the results 2 years from now of the GAO study contained in the bill. This study will tell us for sure whether Reservists and Guardsmen are using the relief granted by the bill when it is their service that leads to bankruptcy—not other factors. With this study in hand, when the bill reaches its 3-year sunset, we will know for sure whether it's being abused in cases lacking the necessary link to service. If it is being abused, we will be able to address that abuse at the time that reauthorization is considered.

In light of these considerations, I'm pleased to support passage of the bill.

I would also like to thank others who have worked on this bill, in particular Congressman ROHRABACHER from California. I made, as the chairman of the Subcommittee on Commercial and Administrative Law that has oversight of the Bankruptcy Act, a promise that we would reconsider this bill that was done some years ago. Mr. ROHRABACHER has done an amazing job, given leadership and determination to bring this bill to where it is today and, by doing so, has redeemed my promise and his and that of many other people.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the Chair of the California delegation, ZOE LOFGREN, for as much time as she needs.

Ms. ZOE LOFGREN of California. Thank you, Mr. Chairman.

Mr. Speaker, I rise in support of this bill. It is obviously important that we make sure that any of our armed servicemembers who have suffered a financial loss because of their service have access to relief through the bankruptcy courts. That's the least we can do to assist these fine men and women.

But I rise also to say that there are other things that are not yet before us in the bankruptcy arena that we, I believe, are gaining some bipartisan support for.

Many of us have expressed concern that lacking in the recovery package that we will be voting on tomorrow is any provision that deals with the primary mortgage, mortgage on a primary residence, that might be one of many tools to deal with the underlying crisis that has created this worldwide economic instability.

I would have preferred that such a measure be in the recovery package, but it is not essential that the measure be part of the package. It is possible to move such a measure separately.

We were here earlier in the week. I complimented my colleague from Utah saying that it was unlikely we would be on the floor together again because he is not returning, but here we are. And I would just like to compliment him for the hard work and discussions that he has put in behind the scenes over the last several weeks to see if disagreements can be resolved and if parties can come together in the interest of the country. I can't say that we have accomplished that yet, but I think that we have an opportunity, and I actually am quite optimistic that we will be successful in that effort that would be very important for our country.

I see the gentleman standing there. I wonder if I could yield to him, if he wishes to make a comment.

Mr. CANNON. I thank the gentlelady.

The American people are enraged by this bailout, or rescue as we're now calling it, and I think justifiably so. And they ought to be enraged that the real cause here—or the real cause of what I think should be the rage is that this has been done in a way that has been mandated, directed, expected that we would respond without much involvement. The rage of the American people reminds me of a bull often goes after the cape rather than goring the toreador. And what we need to do here, I think—I hope the American people recognize the opportunity to demand a transparent government.

There was no reason why the administration couldn't have made its three-page proposal available not as a legislative demand but as an outline of what the discussions should have been. There is no reason why we here in Congress have not done an open rule and had a debate on this. We could easily have taken this measure, debated it openly, amended it, adjusted it, and done things that make some sense.

Now the problem as I see the bailout—and the gentlelady and I have talked about this at some length—is that it pumps liquidity into banks and takes paper. That paper we hope is good. We hope it will be more valuable than what we have spent on it.

Ms. ZOE LOFGREN of California. I wonder, I did yield, but we have other speakers. So I wonder if—and we can have this further discussion—but whether on the mortgage, primary residence mortgage issue, you think there is further opportunity to make progress between Republicans and Democrats, conservatives, and nonconservatives?

Mr. CANNON. I thank the gentlelady. We have plenty of time on my side. If the gentlelady would like to yield back temporarily, I would be happy to use my time to talk about that point.

Ms. ZOE LOFGREN of California. I will do so because I don't want to take advantage of the chairman's yielding me unlimited time when there are other speakers.

But I would just say in the discussions that we have had that have been

very honest and very practical—and I think totally bipartisan, I would even say nonpartisan—trying to find common ground in the interest of the American people in this. I have a sense of optimism that we can do something important on the mortgage bankruptcy issue aside from this recovery package that is coming.

Having said that, I will yield back to the chairman of the committee, and perhaps Mr. CANNON will use some of his time to further explore this.

Mr. CANNON. I thank the gentlelady, and if she wishes to remain, perhaps we can have a colloquy at some point.

Let me make a couple of points. We have had a long and intense discussion about what we can do to help solve, not the problem of the banks with their toxic loans which we hope we will buy at a reasonable price in a reverse auction, but what we do on the other side of this problem, which is homeowners who can't afford the loans that they got on property that was often misappraised or appraised fraudulently and therefore left in a box without being able to pay, with mortgages that are resetting at higher interest rates, sometimes with higher balances because of the way the mortgages were arranged.

So how do we help Americans stay in their homes in a reasonable fashion? And we've talked about bankruptcy as one way to do that.

Now in the bill that we did not pass here in the House recently, the Secretary had wide authority. I'm expecting that authority to be continued; and what I would hope is that the Secretary will not just put $700 billion into paper which may or may not be useful, but also something like $50 billion or $100 billion into funds that are intended to help people stay in their homes by creating the opportunity to buy mortgages at a discount, then renegotiate those mortgages with the people who are in those homes or others, and thereby avoid the downward spiral of housing costs.

I don't know that we're going to be able to do much with bankruptcy if this bill that passed the Senate passes the House today, I don't know that we're going to be able to deal with it. But I think that we ought to demand as the House that the Secretary recognize that this is not just a matter of buying paper and saving banks, but it's rather a matter of keeping a downward spiral on housing prices from continuing so that Americans can maintain the value on their homes, can keep their homes, and we can get this economic crisis behind us and perhaps even save some money.

I recognize the gentlelady is standing there. I would be happy to yield to her.

Ms. ZOE LOFGREN of California. Thank you for yielding.

I would just note that in fact in the rescue package there is a provision requiring the Secretary to renegotiate loans and that will actually, I think, be of tremendous value in dealing with the foreclosure crisis that we face when the government owns the whole mortgage, all of the mortgage. But because securities are being purchased because the credit markets are frozen, we won't necessarily own all of the mortgages in every case. And half of the subprimes have second and third mortgages that will be able to defeat any effort to renegotiate.

So I think that moving a narrowly crafted, for-subprime-only primary residence mortgage measure either later in this Congress or early next might be something that could avoid the $2.1 trillion in mortgages that are set to reset and certainly are at risk of default in the next 18 months.

I am just stating here today, I think we have an opportunity to accomplish that working across the aisle and working across ideological barriers because really we're all in the same place. We want Americans to be safe and secure in their homes. If they are able to meet their obligations, we should go the extra mile to allow them to do that.

I just want to say once again how much I have appreciated working with you, Congressman CANNON, over these years. And I said this earlier this week, but if you look at your voting record, you've got one of the most conservative voting records in this Congress, and as I mentioned, I do not. But that has never prevented us from working together to find solutions for the American people.

I really think you're a remarkable legislator, someone whom I respect a great deal, and I thank you for your service to our country.

Mr. CANNON. Reclaiming my time, I thank the gentlelady. The nice thing about being clear in your principles is that it's possible to negotiate and come up with compromises that work. It's been a pleasure to work with the gentlelady and also the chairman of the full committee who is also here with us, Mr. CONYERS. It's not possible to be farther apart on the political spectrum than I think Mr. CONYERS and I are, but we have had a very pleasant, and I think profitable, working relationship on many issues where because of his clear principles, and I hope my clear principles, we've been able to reach compromise.

Going back to what the gentlelady was saying, I fervently hope that I will not be part of any further negotiations on bankruptcy. I hope that we solve this problem today or tomorrow, I suppose, and then make the American people more safe by us being out of town and then letting the next year's crop of people come back and deal with the issue.

Let me just reiterate a couple of things the gentlelady has said. $2.1 trillion of subprime and Alt-A loans are in trouble. If we don't do something about that, those loans, as they fail—to the degree that they fail, and many are likely to fail—are likely to draw down to create a suction that will pull down the prices of all the other houses in America, creating chaos in our market.

It's imperative that the Secretary recognize his authority under, I think, the current language, and make it clear that he intends to do something not just about the paper because, as the gentlelady has pointed out, we don't own all of the fractions of the interests in these mortgages, and therefore we don't have the ability, by pumping money into paper, to solve the underlying problem. You have to do that in another way. And certainly where you have a second or a third, there is no ability by the Treasury, under the current program, to deal with that suction on prices.

□ 1245

So I am hoping that the Secretary of the Treasury will today make it clear that he intends to use part of this bailout money for which he has I think the discretion. I think it is important that he be clear that he has that discretion, that he intends to use the money that way so we can create a floor not just under the banks but also under the prices of our homes.

With that, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the author of this bill, JAN SCHAKOWSKY, who is a sterling member of the Energy and Commerce Committee, as much time as she may consume.

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me and for his support on this legislation.

I rise to proudly support S. 3197, the National Guard and Reservists Debt Relief Act. This legislation is the Senate companion to H.R. 4044, legislation that I authored, along with my friend and colleague, Congressman DANA ROHRABACHER, which passed the House unanimously on June 23. S. 3197 was introduced by my very good friend and colleague from Illinois, Senator DICK DURBIN.

Since 9/11, more than 460,000 Reservists and Guardsmen have been called to active duty in Iraq and Afghanistan. These men and women have left their families and their jobs to selflessly serve their country, often with little or no notice to get their finances in order. Many servicemembers are small business owners who have to put their businesses on hold while they serve their country, and some are forced to sacrifice those businesses altogether. And, of course, some may face losing their homes when they return because of their financial distress.

Many servicemembers face unexpected extended tours of 15 months or longer, leaving them with almost no way to prepare financially.

S. 3197 would simply allow National Guard and Reservists to file for bankruptcy without the burden of the means test that assesses their eligibility for bankruptcy protection. H.R. 4044 allows members of the National Guard and Reservists to file for chapter

7 bankruptcy without the added paperwork burden and obstacles of the means test.

This is why: when veterans face the means test, it has a particularly adverse impact on them. That is because the combat pay of soldiers in Iraq or Afghanistan is often higher than their salaries at home, and they have fewer expenses overseas, if any. The problem is when they return home, these individuals return to face lower incomes and higher expenses, and because the means test factors in a person's income and expenses for the 6-month period preceding the bankruptcy filing, a veteran's income is artificially inflated and their expenses seem disproportionately low. As a result, they risk failing the means test and facing chapter 11 or 13.

This bill is narrowly drafted to apply to servicemembers who have served in the Armed Forces for more than 90 days since 9/11 and would grant them an exemption from the test for up to a year and a half after they return home. The legislation also requires a GAO report that will help us quantify the hardships our veterans face when they return home by tracking how many apply for bankruptcy protection.

With unemployment at the highest levels in 7 years and the credit crisis and recession squeezing the budgets of families across the country, we must give these returning heroes any relief we can. Eighteen percent of veterans recently back from tours of duty are unemployed. Twenty-five percent of those who have been able to find work earn less than $22,000 a year. There are currently 1,500 veterans of the wars in Iraq and Afghanistan who are homeless. And thousands of veterans return from the war with physical and mental injuries which make returning to work difficult or impossible. We should all be outraged at those statistics.

Simply put, the men and women who have risked their lives to protect us deserve protection from us in return. These selfless individuals should not face harsh bankruptcy procedure if they are in financial distress when they return home. When the changes to the bankruptcy law were made in 2005, Congress exempted disabled veterans from the means test. It is time to include the Guard and Reserves as well.

The legislation that we're considering once again today is virtually identical to the one we passed unanimously, with minor, five-word, technical, clarifying corrections added during consideration in the Senate Judiciary Committee; and like H.R. 4044, the bill passed the Senate with unanimous support. I urge its support in the House once again today so we can send it to the President for his signature.

I'd like to thank Chairman CONYERS, again, for working with me to pass this legislation, as well as Subcommittee Chairwoman LINDA SÁNCHEZ for her commitment to this bill. And I want to thank the staff on both sides of the aisle who helped, particularly my legislative director, Daniel Penchina. And, again, I thank my colleague, Congressman ROHRABACHER, who has been a formidable and effective partner in moving this legislation through the House this year.

The SPEAKER pro tempore. The Chair will note that the gentleman from Utah has 11 minutes remaining, and the gentleman from Michigan has 8 minutes remaining.

Mr. CANNON. Mr. Speaker, I noted earlier that the gentleman from California (Mr. ROHRABACHER) had worked diligently on this bill, and I talked about his intelligence and determination and the fact that he has redeemed his promise and mine by bringing this bill to the floor today. I would like to yield as much time to him as he may consume.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of S. 3197.

I am pleased that we are finally about to provide this benefit to our veterans, but I am troubled that it has taken us so long to do so. On April 14, 2005, the House considered S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, which was a much-needed and very responsible reform. Then in the minority, my colleague Ms. SCHAKOWSKY introduced a motion to recommit so that the bill would allow a targeted exemption from our stricter means test for those National Guard and Reservists who had been called up after 9/11.

At the time of the floor debate, I was told by the Republican floor manager that the Schakowsky motion was redundant, that there was already such protection for our National Guard and Reservists under the Servicemembers Civil Relief Act. Because of this, I voted against the motion, and it failed on a party-line vote, 200 yeas to 229 nays.

I soon found out, however, that I and other Republican Members had been misinformed, apparently to prevent the then-minority from having any legislative success. When I found out there was no adequate protection for our returning Reservists and Guardsmen, I pledged to work with my colleague, Ms. SCHAKOWSKY, to make it right.

Subsequently, I introduced legislation to amend the bankruptcy law. This measure, of course, isn't costing any—well, maybe it costs a few, but probably not any Federal dollars—new Federal dollars. There is no big spending involved in this. There is no massive appropriation needed. All it is is a consideration for these people who have risked their lives for us and are coming home. But my party couldn't get itself to provide consideration for our homecoming heroes, even though there wasn't a major cost involved. Thus my legislation didn't ever get to the floor.

In the meantime, party control of the House changed, and Ms. SCHAKOWSKY and I have been working diligently to get this legislation to the floor and get it passed into law. The Senate passed the bill by unanimous consent on Tuesday, and we are now considering this bill under suspension, which means it's pretty well recognized that this has widespread support, and it should have been voted on and accepted a long time ago.

S. 3197, introduced by Senator DURBIN in the Senate, has bettered the bill in several ways. Often, it will take several months for a servicemember to gain an understanding of his or her financial situation after returning home. So this bill expands the time of eligibility to a year and a half after the servicemember has been released from active duty.

And because more information is needed, this bill requires the Comptroller General to study and report to Congress on the number of Reservists in the Armed Forces and National Guard members who will be using this exemption and the number of servicemembers who are substantially or materially involved in bankruptcy cases because of their service.

I encourage my colleagues who voted ''no'' on the motion to recommit 3 years ago to vote in favor of this legislation today. This bill is not a wedge to reopen the bankruptcy rules. Rather, it is a narrow, targeted change modeled after existing exemptions for disabled veterans who are America's heroes. This is targeted at those American heroes throughout our country who are called up for deployment and are now returning home.

This bill will ensure that America's heroes throughout our country, who have often been called up for deployment, and these deployments have been far longer than they ever initially thought they would ever be called up for, this bill is intended that they will not pay a high personal cost for their absence and their willingness to step forward and defend our country.

As my colleague, Ms. SCHAKOWSKY, put it, these servicemembers have put their lives and livelihood on the line for us, and we owe them a great debt. This is one way that we can show our deep appreciation for the service that these people have given to us, protecting our families and the service they've provided our country.

Now is the time for us to repay that debt in a very bipartisan way, which should have been in play on this floor in this House all along; and when it wasn't 3 years ago, Ms. SCHAKOWSKY and I have finally made up for that bit of partisanship at the expense of our homecoming heroes that happened over 3 years ago.

So, today, I ask my colleagues to join Ms. SCHAKOWSKY and myself. I thank all of those involved who helped us along the way, and I ask my colleagues to support this measure.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan has 8 minutes remaining. The gentleman from Utah has 5½ minutes remaining.

Mr. CONYERS. I yield now 7 minutes to the distinguished gentleman from Ohio, a Member not always heard on the floor, DENNIS KUCINICH.

Will the gentleman yield to me briefly?

Mr. KUCINICH. I certainly will.

Mr. CONYERS. We keep saying that the gentleman from Utah is on the floor for the last time, but the last time always becomes one more time.

I want him specifically remembered for the cooperation and leadership he gave in the committee and on the floor in terms of broadband legislation, the credit card interchange consideration, the very complex issues of immigration, on literally all of the civil liberties issues that have come before us, and Internet gambling. He's given us his attention and helpfulness. We appreciate it so very, very much, CHRIS.

I thank the gentleman for yielding.

Mr. KUCINICH. I thank the gentleman for his generosity with the time, and thank my colleagues on both sides of the aisle for their support of S. 3197, which will help those who served this country save their home and save what they work a lifetime for.

It is very poignant that we could come to this bill at this moment, when we understand the importance of helping those who have served this country save their homes.

□ 1300

Because, actually, it does lead to that larger question because we are all in tune now with the fact that millions of Americans—including those who serve this country—through no fault of their own are finding their homes at risk, millions of Americans. And unfortunately, despite the best efforts of people on both sides of the aisle, the House will have delivered to it a bill from the Senate that does not directly address that question. Because unless this country takes a controlling interest, unless the Secretary of the Treasury would take a controlling interest in these mortgage-backed securities so they can negotiate on behalf of the homeowners to reduce their exposure to losing their home, this bill will be for naught.

Let's keep in mind that a central premise of the American Dream is owning a home. We understand that for our soldiers, and we should do something here. And we also need to understand that all over this country there are people who are watching these debates and wondering, are we going to do something to help them save their home? Because that's what we ought to be doing. And the way that we can do it, Mr. Chairman, is that instead of taking a strategy that assumes that the trickle is going to get down from the top by giving $700 billion to Wall Street, we instead focus on creating a solution for the homeowners and know that then the money will begin to percolate up to the banks and back to Wall Street instead of assuming the government gives the money to Wall Street, goes to the banks, and it gets to the people. Not under the bill that the Senate is sending over here.

So, while we want to do everything we can for our soldiers—and we should—we need to understand that looming here is one of the biggest challenges we've seen in American history to the concept of homeownership: Home is core, home is central, home relates to everything that we're all about. But home is in jeopardy here in the United States of America. Millions of mortgages are headed towards default. Millions of Americans are in danger of losing their home. And this Wall Street bailout, unfortunately, does not address it.

Now, Mr. Speaker, I sent a letter over to our Speaker yesterday pointing this out to her, telling her that we need to create a change that will enable the Secretary of the Treasury to focus in on this and to give him the ability to get a controlling interest in these mortgage-backed securities because, as has been pointed out by my colleagues, we don't have that right now. And unless you address that, all this is going to be for naught. You might see the market go up for a day if the House passes the bill, but you know what's going to happen: You're still going to see millions of Americans losing their homes.

Mr. CANNON. Will the gentleman yield?

Mr. KUCINICH. Of course I would yield to my friend.

Mr. CANNON. Thank you.

We're now at a point where we're going to be voting very quickly on this bill. I think you heard the colloquy between the gentlelady from California and myself. I'm wondering if the gentleman can be satisfied if the Secretary takes a position publicly that he is going to use some of this bailout money under the discretion that he's given in the bill to do what I suggested earlier, which is, to put money into funds that would buy mortgages and keep people in their homes. Is that the kind of thing that we can do—

Mr. KUCINICH. Taking back my time, the bill has language which might be discretionary, but we in the House understand the difference between something that's discretionary and mandatory. And we also know that the way the bill is structured, unless you have a controlling interest in these mortgage pools, there's no way you can do anything because then you have to talk with 20, 30 other interests in order to be able to come to resolution. That's not going to happen.

So we need to be real about this; and, unfortunately, that isn't always the case in our Congress. And when we get real about it and connect to people's aspirations to save their homes with a real solid legislative structure to deliver on that, then the American people and then our economy can celebrate the wisdom of the Congress. Right now, that jury is still out.

I yield to my friend.

Mr. CANNON. Recognizing the gentleman's limited time, we have I think more time on our side, and I would be happy to yield some to Mr. CONYERS if he would like more.

Would the gentleman yield for a colloquy on this issue?

Mr. KUCINICH. I would.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 30 seconds remaining.

Mr. CANNON. Mr. Speaker, I would yield 2 minutes to the gentleman at this point.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2½ minutes.

Mr. KUCINICH. I yield to my friend.

Mr. CANNON. The problem we're facing, or course, is the urgency of what's going on. And the gentleman has heard my concern with the failure of the administration to have this aired transparently; but that said, we do have some urgency. If the Secretary is very clear in what he says, can we move forward, as opposed to, say, amending the Senate's bill—which will come over to us—and then sending it back to the Senate for further votes. Personally, I don't think that that is likely to happen; it's your leadership that will control the Rules Committee. But I suspect that we're not going to get the perfect here with the good, that is, a commitment by the Secretary that is clear and open and patent.

Would that serve to resolve the gentleman's concerns?

Mr. KUCINICH. To my good friend from Utah, the clarity of the Secretary will not trump the language of the legislation. And the language of the legislation does not permit him to be able to have an effective role in saving people's homes. It talks about encouraging, it talks about ''may do,'' but it is not mandatory. And he doesn't have the additional power because there is no mechanism in there to give us a controlling interest so that we can actually create a fix.

I yield to the gentlelady from California.

Ms. ZOE LOFGREN of California. If I may, I think the Secretary has the authority to acquire all mortgages. We fear that he may not. I frankly think if the Secretary—or his successor, starting in January—were to make that a priority, we would solve more of this problem than if it was just done in the natural course of events. I personally believe we need another remedy that I pledge to try and move separately from this package having to do with the bankruptcy primary residence mortgage issue that we have discussed at tremendous length.

Mr. KUCINICH. Reclaiming my time, and thanking the gentlelady and the gentleman, I would say that the legislation doesn't fix the problem; that is the central point. It doesn't empower the Secretary to be able to get controlling interest of the mortgage-backed

securities. And that is the central flaw of the policies that we're pursuing. And millions of Americans who are in danger of losing their homes are not going to be helped.

I want to conclude by thanking Mr. CANNON for his service to the United States Congress.

The SPEAKER pro tempore. The gentleman from Utah has 3½ minutes left. The gentleman from Michigan has 1 minute remaining.

Mr. CANNON. Mr. KUCINICH, if you would like to continue, we don't disagree, and I think by having a further colloquy, I think we actually can come to an understanding.

As I understand your concern, the Secretary does not have the ability—or it would be difficult for him to buy up all the fractionated interests in any given mortgage, and therefore, he is incapable, in his current position—unless he does something remarkable and spends more money than we intend him to spend, he can't provide relief on individual mortgages.

What I'm suggesting the Secretary has the authority to do is to put money into private funds that can then go to the servicing agent of a nonperforming loan, where the person is in an anti-deficiency State, or otherwise can walk away from that loan without recourse to the bank. At that point, the servicing agent has the ability to sell a mortgage, or a package of mortgages. In that event, what I suggest is that if the Secretary will pump some significant resources into the private sector to buy mortgages from servicing agents, and from banks and others, in a market where we are having deterioration of prices, that would tend, dramatically, to solve the problem. It goes a long way toward, I think, the gentleman's concerns.

Ms. ZOE LOFGREN of California. If the gentleman would yield, as we both know, because we were on the same conference call with one of the foremost authorities in the United States on this subject, the expectation is, in the natural course of events, that about 20 percent of the acquisition of securities would result in owning all of the rights in order to do a negotiation.

So when you look at the entire package, it's not what we want, but it's not nothing either. I mean, if you could actually renegotiate 20 percent of the reset, it would have a market impact. What you're suggesting, I think, makes sense. And I think, also, that the bill that's coming back would allow the Secretary to actually do what you have suggested because there is that discretion in the measure.

If we did what you've suggested, if the experts are correct that we will have 20 percent of all ownership to renegotiate as provided for in the bill, we're still going to need an additional tool which we're not going to get in this bill, but to do a narrow carve-out for the subprime markets to be able to—for judicial intervention for those areas that we cannot get the rights for.

I thank the gentleman for yielding.

Mr. CANNON. Reclaiming my time, let me just say the gentlelady is absolutely accurate in her portrayal of the problem. Let me just clarify one thing, because a lot of people listening to us today don't understand what a reset is.

You have mortgages that are at a fixed rate which will then pop up to a market rate in the future. It is that pop up that is a problem. If you have a mortgagee who is behind in his payments, he may be able to stay in the mortgage when it goes up, but he may not be able to afford it. If he's behind, he can't refinance. He's stuck in a world where he can't get out of that mortgage, and the market will drive him. And the bank that wants him to renegotiate can't do it because of the fractionated ownership of that mortgage.

Ms. ZOE LOFGREN of California. If the gentleman would yield.

If I may, I'm glad you did that explanation. And for people listening who don't have a subprime, it's going to affect them as well. Because if you have a prime mortgage but every neighbor in your entire neighborhood has had their property values collapse, your property value is also going to collapse. So this is everybody.

Mr. CANNON. Reclaiming my time, I thank the gentlelady because she has made exactly the point. What we're trying to do here is avoid the collapsing values of houses.

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

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. KUCINICH. And that's all I need.

When you look at the difference in the debate here, hear these words, ''we may save the world ''or ''we shall save the world''; ''we may save people's homes'' or ''we shall save their homes.'' I want a bill that says ''we shall save their homes.'' And that's not what the bill is that we're being sent by the Senate.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Indianapolis, Indiana, Mr. ANDRE CARSON.

The SPEAKER pro tempore. The gentleman is recognized for 45 seconds.

Mr. CARSON. Mr. Speaker, I come to the floor today in support to H.R. 7221 in honor of my late grandmother, Congresswoman Julia Carson.

My grandmother was a huge proponent of increasing homeless assistance to displaced families. Last year, she introduced the Homeless Emergency and Rapid Transition to Housing Act. She introduced this bill for children and families in need of assistance. This bill sought to implement more effective strategies for preventing homelessness and increasing emergency assistance for families in need.

This bill before us today reflects a compromise between my grandmother's legislation and the Senate legislation. While I wish we could have gone farther in expanding the definition of homeless, this bill will provide critical assistance to families and children neglected by current law.

I urge support of this bill and commend Congresswoman WATERS, Congresswoman MOORE, Congressman DAVIS, Congresswoman BIGGERT, Congressman CONYERS and their staffs for their hard work on this legislation.

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. 3197.

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. CANNON. 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.

NATIONAL CRIME VICTIM LAW INSTITUTE REAUTHORIZATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3641) 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.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3641

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

SECTION 1. REAUTHORIZATION.

Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking ''2006, 2007, 2008, and 2009'' each place it appears and inserting ''2010, 2011, 2012, and 2013''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) 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 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.

I would like to remind our Members that the measure before us reauthorizes funding for the National Crime Victims Law Institute, which supports critical crime victims' legal assistance programs that help crime victims enforce their legal rights in a number of vital respects.

□ 1315

Many of these programs provide financial assistance directly to crime victims. Others help victims receive proper notification of case developments, and still other assistance may come in the form of providing staff for victims' rights organizations and legal assistance to victims. Some of these victims are elderly, some are poor, and some are people that just can't afford any legal costs at all.

Violent crime victims may be emotionally and physically traumatized and therefore unable to assert their rights effectively, and victims of identity theft may be financially devastated as a result of loss of savings or destroyed credit.

So I am very pleased to bring this measure to the floor, and I urge support for it.

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

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

I rise in support of S. 3641, a bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as part of the Victims of Crime Act of 1984.

In 2007, over 1.4 million Americans were victims of violent crime and nearly 10 million were victims of property crime. All too often, many of these victims are not given a voice in criminal proceedings. Many crime victim organizations around the country such as the National Crime Victim Law Institute work tirelessly every day to ensure that the interests and needs of crime victims are represented throughout the trial process.

The National Crime Victim Law Institute, housed at the Lewis and Clark Law School, was founded in 1997 as a resource for crime victims and crime victim lawyers to further the enforcement of crime victims' rights in criminal and civil proceedings.

The institute is a national network of pro bono legal clinics that represent victims of crime in State, Federal, and tribal courts as they assert and seek enforcement of their rights. Since 2004 the institute has successfully launched and provided ongoing assistance to these legal clinics. This network of clinics has provided legal counsel to over 1,000 crime victims in criminal cases, thereby ensuring victims' rights and voices are honored.

The institute ensures the success of the clinics through regular legal research and expert consultation on the clinics' cases and through rigorous training in victim law for each clinic and its partners.

S. 3641 ensures that the valuable work of the institute will continue and that crime victims will be given justice by the courts and made whole again by their offenders.

I urge my colleagues to support this 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. 3641.

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. CANNON. 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.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2008

Ms. MOORE of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7221) to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7221

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definition of homelessness.
Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 101. Definitions.
Sec. 102. Community homeless assistance planning boards.
Sec. 103. General provisions.
Sec. 104. Protection of personally identifying information by victim service providers.
Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 201. Grant assistance.
Sec. 202. Eligible activities.
Sec. 203. Participation in Homeless Management Information System.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 301. Continuum of care.
Sec. 302. Eligible activities.
Sec. 303. High performing communities.
Sec. 304. Program requirements.
Sec. 305. Selection criteria, allocation amounts, and funding.
Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 401. Rural housing stability assistance.
Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 501. Repeals.
Sec. 502. Conforming amendments.
Sec. 503. Effective date.
Sec. 504. Regulations.
Sec. 505. Amendment to table of contents.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 3. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—For purposes of this Act, the terms 'homeless', 'homeless individual', and 'homeless person' means—

''(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

''(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

''(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

''(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

''(5) an individual or family who—

''(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

''(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

''(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

''(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an

individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

''(B) has no subsequent residence identified; and

''(C) lacks the resources or support networks needed to obtain other permanent housing; and

''(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

''(A) have experienced a long-term period without living independently in permanent housing;

''(B) have experienced persistent instability as measured by frequent moves over such period; and

''(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

''(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.''.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of ''homeless'', ''homeless individual'', or ''homeless person'' for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following ''whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the Nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness'';

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.

''(17) The Attorney General of the United States, or the designee of the Attorney General.

''(18) The Director of the Office of Management and Budget, or the designee of the Director.

''(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

''(20) The Director of USA FreedomCorps, or the designee of the Director.'';

(B) in subsection (c), by striking ''annually'' and inserting ''four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year''; and

(C) by adding at the end the following:

''(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.'';

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

''(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;'';

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ''at least 2, but in no case more than 5'' and inserting ''not less than 5, but in no case more than 10'';

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

''(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

''(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999, and 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(8) conduct research and evaluation related to its functions as defined in this section;

''(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;'';

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking ''and'' at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

''(12) develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

''(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and ranking member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 3 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.''.

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking ''Federal'' and inserting ''national'';

(B) by striking ''; and'' and inserting ''and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;'';

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking ''property.'' and inserting ''property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council.''; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010. Any amounts appropriated to carry out this title shall remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this Act.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

"SEC. 401. DEFINITIONS.

''For purposes of this title:

''(1) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

''(A) has income below 30 percent of median income for the geographic area;

''(B) has insufficient resources immediately available to attain housing stability; and

''(C)(i) has moved frequently because of economic reasons;

''(ii) is living in the home of another because of economic hardship;

''(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

''(iv) lives in a hotel or motel;

''(v) lives in severely overcrowded housing;

''(vi) is exiting an institution; or

''(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

''(2) CHRONICALLY HOMELESS.—

''(A) IN GENERAL.—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

''(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

''(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least four separate occasions in the last 3 years; and

''(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions.

''(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

''(3) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

''(A) carries out the duties specified in section 402;

''(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

''(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

''(4) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422; and

''(B) is submitted to the Secretary by a collaborative applicant.

''(5) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

''(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

''(8) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(10) LEGAL ENTITY.—The term 'legal entity' means—

''(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

''(B) an instrumentality of State or local government; or

''(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

''(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(12) NEW.—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

''(13) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

''(A) the administration, maintenance, repair, and security of such housing;

''(B) utilities, fuel, furnishings, and equipment for such housing; or

''(C) coordination of services as needed to ensure long-term housing stability.

''(14) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

''(15) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

''(16) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

''(17) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(18) PROJECT.—The term 'project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(19) PROJECT-BASED.—The term 'project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(20) PROJECT SPONSOR.—The term 'project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

''(21) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(23) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

''(25) SPONSOR-BASED.—The term 'sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an independent entity that—

''(I) is a private organization; and

''(II) owns or leases dwelling units; and

''(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

''(26) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''(27) SUPPORTIVE SERVICES.—The term 'supportive services' means services that address the special needs of people served by a project, including—

''(A) the establishment and operation of a child care services program for families experiencing homelessness;

''(B) the establishment and operation of an employment assistance program, including providing job training;

''(C) the provision of outpatient health services, food, and case management;

''(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

''(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

''(F) the provision of mental health services, trauma counseling, and victim services;

''(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

''(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

''(I) the provision of—

''(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

''(ii) health care; and

''(J) other supportive services necessary to obtain and maintain housing.

''(28) TENANT-BASED.—The term 'tenant-based' means, with respect to rental assistance, assistance that—

''(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(i) in a particular structure or unit for not more than the first year of the participation;

''(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

''(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

''(29) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

''(30) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(g).

''(31) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

''(32) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

''(33) VICTIM SERVICES.—The term 'victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 101(3) of this Act) the following new section:

''SEC. 402. COLLABORATIVE APPLICANTS.

''(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

''(1) submit an application for amounts under this subtitle; and

''(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

''(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

''(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(e) APPOINTMENT OF AGENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

''(A) apply for a grant under section 422(c);

''(B) receive and distribute grant funds awarded under subtitle C; and

''(C) perform other administrative duties.

''(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

''(f) DUTIES.—A collaborative applicant shall—

''(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

''(A) to determine compliance with—

''(i) the program requirements under section 426; and

''(ii) the selection criteria described under section 427; and

''(B) to establish priorities for funding projects in the geographic area involved;

''(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

''(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as 'HMIS') that—

''(A) collects unduplicated counts of individuals and families experiencing homelessness;

''(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

''(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

''(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

''(i) encryption of data collected for purposes of HMIS;

''(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

''(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

''(iv) rights of persons receiving services under this title;

''(v) criminal and civil penalties for unlawful disclosure of data; and

''(vi) such other standards as may be determined necessary by the Secretary.

''(g) UNIFIED FUNDING.—

''(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

''(A) the collaborative applicant—

''(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

''(ii) is selected to perform such responsibilities by the Secretary; or

''(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

''(i) a finding by the Secretary that the applicant—

''(I) has the capacity to perform such responsibilities; and

''(II) would serve the purposes of this Act as they apply to the geographic area; and

''(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

''(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

''(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

''(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

''(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.''.

SEC. 103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 101(2) of this Act) the following new sections:

''SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION.

''(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

''(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

''(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

''(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

''SEC. 405. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

''(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).''.

SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

''SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

''In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

''SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal year 2010.''.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle B—Emergency Solutions Grants Program'';

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

''SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

''SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants.''; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 408 and made available to carry out this subtitle for any''.

SEC. 202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 201(3) of this Act, and inserting the following new section:

''SEC. 415. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

''(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

''(B) the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

''(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

''(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

''(A) stabilizing individuals and families in their current housing; or

''(B) quickly moving such individuals and families to other permanent housing.

''(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

''(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

''(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008.''.

SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 201(3) of this Act, is amended by adding at the end the following new subsection:

''(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.''.

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

''Subtitle C—Continuum of Care Program''; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

''SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote community-wide commitment to the goal of ending homelessness;

''(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

''(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

''(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

''SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

''(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

''(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

''(c) APPLICATIONS.—

''(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

''(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

''(B) to establish priorities for funding projects in the geographic area.

''(2) ANNOUNCEMENT OF AWARDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

''(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(1) REQUIREMENTS FOR OBLIGATION.—

''(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

''(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

''(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

''(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

''(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

''(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

''(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

''(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

''(g) MORE THAN ONE APPLICATION FOR A GEOGRAPHIC AREA.—If more than one collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

''(h) APPEALS.—

''(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

''(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

''(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

''(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

''(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

''(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

''(3) TREATMENT OF CERTAIN POPULATIONS.—

''(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection

and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

''(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.''.

SEC. 302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing.

''(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

''(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

''(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

''(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior 6 months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

''(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

''(A) are effective at moving homeless individuals and families immediately into housing; or

''(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

''(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

''(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

''(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

''(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

''(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

''(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

''(c) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

''(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

''(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

''(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

''(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

''(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

''(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

''(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.''.

SEC. 303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

''SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

''(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

''(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

''(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

''(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the Secretary shall designate not more than ten collaborative applicants as high-performing communities.

''(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under

paragraph (2), more than ten collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the ten that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

''(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

''(b) APPLICATION.—

''(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

''(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

''(A) a report showing how any money received under this subtitle in the preceding year was expended; and

''(B) information that such applicant can meet the requirements described under subsection (d).

''(3) PUBLICATION OF APPLICATION.—The Secretary shall—

''(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

''(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

''(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

''(1) for any of the eligible activities described in section 423; or

''(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

''(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

''(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

''(A) is less than 20 days; or

''(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

''(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

''(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

''(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

''(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

''(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

''(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

''(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

''(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

''(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.''.

SEC. 304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle.

''(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

''(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

''(2) to monitor and report to the Secretary the progress of the project;

''(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

''(4) to require certification from all project sponsors that—

''(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

''(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

''(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

''(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act(42 U.S.C. 11431 et seq.); and

''(E) they will provide data and reports as required by the Secretary pursuant to the Act;

''(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

''(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

''(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

''(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.'';

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking ''recipient'' and inserting ''recipient or project sponsor'';

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

''SEC. 427. SELECTION CRITERIA.

''(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

''(b) REQUIRED CRITERIA.—

''(1) IN GENERAL.—The criteria established under subsection (a) shall include—

''(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance

and Rapid Transition to Housing Act of 2008, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

''(i) the length of time individuals and families remain homeless;

''(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

''(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

''(iv) overall reduction in the number of homeless individuals and families;

''(v) jobs and income growth for homeless individuals and families;

''(vi) success at reducing the number of individuals and families who become homeless;

''(vii) other accomplishments by the recipient related to reducing homelessness; and

''(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

''(B) the plan of the recipient, which shall describe—

''(i) how the number of individuals and families who become homeless will be reduced in the community;

''(ii) how the length of time that individuals and families remain homeless will be reduced;

''(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

''(iv) the extent to which the recipient will—

''(I) address the needs of all relevant subpopulations;

''(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

''(III) set quantifiable performance measures;

''(IV) set timelines for completion of specific tasks;

''(V) identify specific funding sources for planned activities; and

''(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

''(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

''(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

''(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

''(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

''(iii) is based on objective criteria that have been publicly announced by the recipient; and

''(iv) is open to proposals from entities that have not previously received funds under this subtitle;

''(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

''(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

''(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

''(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

''(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

''(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

''(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

''(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

''(B) AMOUNT.—

''(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

''(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

''(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

''(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

''(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

''(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

''(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

''SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

''(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

''(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

''(3) ADJUSTMENT.—The 30-percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

''(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which available funding for grants under this subtitle would not be sufficient to renew for 1-year existing grants that would otherwise be funded under this subtitle.

''(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

''(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

''(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''(d) INCENTIVES FOR PROVEN STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

''(A) permanent supportive housing for chronically homeless individuals and families;

''(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

''(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

''(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

''(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

''SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

''(a) IN GENERAL.—Of the total amount available in the account or accounts designated for appropriations for use in connection with section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), the Secretary shall use such sums as may be necessary for the purpose of renewing expiring contracts for leasing, rental assistance, or operating costs for permanent housing.

''(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

''(1) there is a demonstrated need for the project; and

''(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

''SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

''(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

''(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

''(1) funding for any eligible activity described under section 423; and

''(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

''SEC. 431. APPEAL PROCEDURE.

''(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

''(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

''(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.''.

SEC. 306. RESEARCH.

There is authorized to be appropriated $8,000,000, for each of fiscal years 2009 and 2010, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at three different sites to provide services for homeless families and evaluate the effectiveness of such services.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle G—Rural Housing Stability Assistance Program''; and

(2) in section 491—

(A) by striking the section heading and inserting ''**RURAL HOUSING STABILITY GRANT PROGRAM**.'';

(B) in subsection (a)—

(i) by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program'';

(ii) by inserting ''in lieu of grants under subtitle C'' after ''eligible organizations''; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

''(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

''(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

''(3) improving the ability of the lowest-income residents of the community to afford stable housing.'';

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

''(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

''(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

''(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

''(H) payment of operating costs for housing units assisted under this title;'';

(D) in subsection (b)(2), by striking ''appropriated'' and inserting ''transferred'';

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking ''appropriated'' and inserting ''transferred''; and

(ii) in paragraph (3), by striking ''appropriated'' and inserting ''transferred'';

(F) in subsection (d)—

(i) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking ''an agreement'' and all that follows through ''families'' and inserting the following: ''a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization''; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

''(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

''(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.'';

(G) by striking subsections (f) and (g) and inserting the following:

''(f) MATCHING FUNDING.—

''(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants

for leasing shall not be subject to any match requirement.

''(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

''(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

''(A) funding for any eligible activity described under subsection (b); and

''(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

''(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

''(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

''(2) the degree to which the project addresses the most harmful housing situations present in the community;

''(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

''(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

''(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

''(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

''(7) any other relevant criteria as determined by the Secretary.'';

(H) in subsection (h)—

(i) in paragraph (1)(A)—

(I) by striking ''The'' and inserting ''Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the''; and

(II) by striking ''providing housing and other assistance to homeless persons'' and inserting ''meeting the goals described in subsection (a)'';

(ii) in paragraph (1)(B), by striking ''address homelessness in rural areas'' and inserting ''meet the goals described in subsection (a) in rural areas''; and

(iii) in paragraph (2)—

(I) by striking ''The'' and inserting ''Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, the'';

(II) by striking '', not later than 18 months after the date on which the Secretary first makes grants under the program,''; and

(III) by striking ''prevent and respond to homelessness'' and inserting ''meet the goals described in subsection (a)'';

(I) in subsection (k)—

(i) in paragraph (1), by striking ''rural homelessness grant program'' and inserting ''rural housing stability grant program''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking ''rural census tract.'' and inserting ''county where at least 75 percent of the population is rural; or''; and

(III) by adding at the end the following:

''(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.'';

(J) in subsection (l)—

(i) by striking the subsection heading and inserting ''PROGRAM FUNDING.—''; and

(ii) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under this subtitle for grants under this section.''; and

(K) by adding at the end the following:

''(m) DIVISION OF FUNDS.—

''(1) AGREEMENT AMONG GEOGRAPHIC AREAS.—If the Secretary receives an application or applications to provide services in a geographic area under this subtitle, and also under subtitle C, the Secretary shall consult with all applicants from the geographic area to determine whether all agree to proceed under either this subtitle or under subtitle C.

''(2) DEFAULT IF NO AGREEMENT.—If no agreement is reached under paragraph (1), the Secretary shall proceed under this subtitle or under subtitle C, depending on which results in the largest total grant funding to the geographic area.''.

SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 502. CONFORMING AMENDMENTS.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 101(2) of this Act), is amended—

(1) by striking ''current housing affordability strategy'' and inserting ''consolidated plan''; and

(2) by inserting before the comma the following: ''(referred to in such section as a 'comprehensive housing affordability strategy')''.

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons)

or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.''.

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this Act, as subtitle D.

SEC. 503. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, this Act and the amendments made by this Act shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this Act, or

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 504,

whichever occurs first.

SEC. 504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

''TITLE IV—HOUSING ASSISTANCE

''Subtitle A—General Provisions

''Sec. 401. Definitions.
''Sec. 402. Collaborative applicants.
''Sec. 403. Housing affordability strategy.
''Sec. 404. Preventing involuntary family separation
''Sec. 405. Technical assistance.
''Sec. 406. Discharge coordination policy.
''Sec. 407. Protection of personally identifying information by victim service providers.
''Sec. 408. Authorization of appropriations.

''Subtitle B—Emergency Solutions Grants Program

''Sec. 411. Definitions.
''Sec. 412. Grant assistance.
''Sec. 413. Amount and allocation of assistance.
''Sec. 414. Allocation and distribution of assistance.
''Sec. 415. Eligible activities.
''Sec. 416. Responsibilities of recipients.
''Sec. 417. Administrative provisions.
''Sec. 418. Administrative costs.

''Subtitle C—Continuum of Care Program

''Sec. 421. Purposes.
''Sec. 422. Continuum of care applications and grants.
''Sec. 423. Eligible activities.
''Sec. 424. Incentives for high-performing communities.
''Sec. 425. Supportive services.
''Sec. 426. Program requirements.
''Sec. 427. Selection criteria.
''Sec. 428. Allocation of amounts and incentives for specific eligible activities.
''Sec. 429. Renewal funding and terms of assistance for permanent housing.
''Sec. 430. Matching funding.
''Sec. 431. Appeal procedure.
''Sec. 432. Regulations.
''Sec. 433. Reports to Congress.

''Subtitle D—Rural Housing Stability Assistance Program

''Sec. 491. Rural housing stability assistance.
''Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wisconsin (Ms. MOORE) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

GENERAL LEAVE

Ms. MOORE of Wisconsin. 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 Wisconsin?

There was no objection.

Ms. MOORE of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start out by giving sincere thanks to everyone who has been involved in this issue. It has really been a struggle arriving at this point because the ability to determine who is exactly homeless has such infinite proportions that it has been very difficult to come to an agreement. However, the substance of this bill, the majority of the players support this on all sides of the debate. That would be on both sides of the aisle and in both Chambers.

But an enormous amount of thanks is due to certain people. I'm especially grateful to our chairman, BARNEY FRANK; Chairwoman WATERS; Representative ANDRE CARSON; Representative GEOFF DAVIS; and, of course, my very good friend and colleague, Representative JUDY BIGGERT; and their staffs, who have done a tremendous deal of work on this bill; and all of the advocates who have worked so patiently with us.

But we wouldn't be here today, Mr. Speaker, if it weren't for the outstanding work of our dear departed colleague, my dear late friend, Representative Julia Carson of Indiana, who worked so hard on this issue for so many years and whose work has brought us to where we are today.

We need to keep in mind the enormous scope of this problem in light of the housing rescue issue that we are dealing with here in this House either tonight or tomorrow. This credit crisis hits the poorest among us. We are expecting no less than 6½ million foreclosures in the next few years, and these families, of course, are at grave risk of becoming homeless. Whether they're doubled up with a family member, sleeping in a shelter, or spending the nights on the street, our cities and towns are due to face a tidal wave of people in need. At the same time, we know that 1.6 million people already experience homelessness at some point in a given year.

The mobility of kids due to housing insecurity and the education they receive is another huge problem. It is nearly impossible for a child to receive a quality education when they aren't sure where they'll be sleeping at night or even which school they will be attending in the morning. I think about the at-risk status of families and children in my own district, where 80 percent of the kids in our school system are eligible for free or reduced lunch. This bill provides a great deal of support for these families.

First, we expand HUD's definition of homelessness. This bill includes all families who are due to lose their current housing within a 14-day period because they're doubled up or because they've received a notice that they must move. We have doubled the amount of time that HUD currently recognizes these families under that standard from 7 days to 14 days. This bill specifically clarifies that anyone fleeing a domestic violence situation is homeless. We provide double funding for the Emergency Solutions Program, up to 20 percent of all funds, and then require that at least half of that money be spent on so-called homelessness prevention activities, which would be those who are ''couch surfing,'' that is, they are spending the night from couch to couch; they're doubled up; or otherwise fall outside of HUD's current definition. We also provide localities with additional flexibility to use up to 10 percent of their continuum of care funding to serve doubled-up families. Finally, we have provisions to include children and their families who are defined as homeless under other Federal statutes.

This bill is not perfect, but few pieces of legislation are.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 1, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN FRANK: I write regarding H.R. 840, the ''Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007''. The bill includes provisions concerning grants to provide health services to homeless individuals.

The Committee on Energy and Commerce has a jurisdictional interest in such provisions. I support H.R. 840 and do not intend to seek a sequential referral of the bill. My understanding is that you acknowledge the jurisdiction of the Committee, and you agree with me that my decision to forgo a sequential referral does not in any way prejudice the Committee with respect to any of its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I request that you send a letter to me confirming my understanding regarding the bill, and that you include our letters on this matter in the Congressional Record during consideration of the bill on the House floor. I appreciate your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 1, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 840, the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008. This bill was introduced on February 6, 2007, and was referred to the Committee on Financial Services. The bill was ordered reported by the Committee on Financial Services on July 31, 2008.

I am pleased to confirm our agreement on this bill. I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Energy and Commerce under rule X of the Rules of the House of Representatives. However, I appreciate your willingness to forgo action in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Energy and Commerce with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the Congressional Record. Thank you again for your cooperation in this important matter.

BARNEY FRANK,
Chairman.

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

Mrs. BIGGERT. Mr. Speaker, as an original cosponsor of this bill, I rise in support of the Homeless Emergency Act and Rapid Transition to Housing Act of 2008, or the HEARTH Act. I would also like to thank Congressman GEOFF DAVIS of Kentucky and, if she were here today, the original House version sponsor, the late Congresswoman Julia Carson for introducing this bill, H.R. 840. In addition, I would like to thank Chairman FRANK, subcommittee Chairwoman WATERS, and Ranking Members BACHUS and CAPITO for working together with Congressman DAVIS and me to give homeless children a fighting chance in this country.

I would also like to thank all of the staff on both sides of the aisle for all of their hard work: Scott Olson, Jonathan Harwitz, Cindy Chetti, Tallman Johnson, Lauren O'Brien, Aaron Spurck, Andre Stevens, Kathleen Taylor, Clinton Jones, Nicole Austin. A tremendous thanks for all they have done.

Mr. Speaker, for inclusion in the CONGRESSIONAL RECORD, I would like to submit additional views authored by Congressman GEOFF DAVIS, Congresswoman CAPITO, and me. These views were filed as part of our committee report to accompany H.R. 840, but they apply to this bill, H.R. 7221, as amended, as well.

ADDITIONAL VIEWS

Mr. Davis of Kentucky, Mrs. Capito, and I acknowledge the significant work that the Chairman, Ranking Member, and other Members and staff have done to address many of the concerns we raised about addressing the needs of homeless unaccompanied youth, children, and their families in H.R. 840, a bill introduced by the late Rep. Julia Carson as well as Rep. Geoff Davis.

There are inconsistencies in the definition of homeless for programs administered by the Department of Housing and Urban Development (HUD) as compared to those administered by the Departments of Education, Justice, and Human Services. In the education section of the McKinney-Vento Homeless Assistance Act, the Individuals with Disabilities Education Act (IDEA), and the Head Start Act, the same homeless definition is used. The Runaway and Homeless Youth Act program uses a similar definition. However, the housing component of the McKinney-Vento Homeless Assistance Act uses a different definition, which excludes a majority of the unaccompanied youth, children, and families recognized as homeless by non-HUD federal homeless programs.

As a result, hundreds of thousands of homeless students, homeless and disabled children, homeless infants, and homeless children running away from domestic violence, unsafe housing, or unstable living conditions are denied HUD homeless housing and services.

Several witnesses, including Dr. Ellen Bassuk, an Associate Professor of Psychiatry at Harvard Medical School, testified before our Committee that many homeless children who are currently excluded from HUD's homeless definition are prone to health and developmental problems. Dr. Bassuk said that there is documented evidence that almost 90 percent of homeless families end up doubled-up, which results in severe overcrowding and dangerous situations. The homeless children in these families are at significant risk of physical and sexual abuse, have seen people shot and killed, or have had their own lives threatened. Highly mobile homeless students suffer academically, are less likely to graduate, are sick more than the average child, and are more likely to have behavior problems.

Homelessness among children is only becoming more pervasive. A study conducted by First Focus and the Brookings Institute determined that almost 2 million children will be affected by the foreclosure crises. Many of these children will become homeless, but, tragically, they will not qualify for HUD homeless housing assistance or services.

H.R. 840, as introduced, would reconcile the definitions of homeless used among HUD and the other federal programs that serve homeless unaccompanied youth, children, and families. In addition, as introduced, the bill would recognize as homeless many individuals and families that are not recognized as homeless by these other federal programs.

For many months, we have worked with Members of the Committee, staff, and government and non-government organizations representing various homeless constituencies to craft a new HUD definition of homeless that would allow homeless unaccompanied youth, children, and their families served by other federal programs to also be recognized by HUD as homeless and therefore qualify for HUD homeless housing and services.

On July, 31, 2008, during the Committee's consideration of H.R. 840, Rep. Biggert and Rep. Davis offered an amendment to allow all children and youth considered homeless by four other federal programs to be considered homeless by HUD. They withdrew the amendment because of an agreement with the Chairman that they would: (1) continue to work on language to amend HUD's definition of homeless as the bill moved out of Committee toward full House consideration; and (2) send a joint letter requesting that GAO examine the issue of homeless definition discrepancies and related matters.

Between July 31, 2008 and today, we and our staff have worked with the Chairman and Housing and Community Opportunity Subcommittee Chairwoman Waters, Education and Labor Committee Chairman Miller and Ranking Member McKeon, and their staff on a letter to GAO and new language to expand HUD's definition of homeless to include more homeless unaccompanied youth, children, and their families.

On September 23, 2008, we joined the abovementioned Members and sent a letter to GAO. In recent days, we offered language to Senate and House Members and staff negotiating the final language of H.R. 840 and S. 1518 to include homeless children, unaccompanied youth, and their families in HUD's definition of homeless. We are pleased that Senate and House Members have agreed to include the following language as part of HUD's definition of homeless:

Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

(A) have experienced a long term period without living independently in permanent housing,

(B) have experienced persistent instability as measured by frequent moves over such period, and

(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

It is our hope that by expanding HUD's definition of homeless in this way, local, homeless service providers will have the flexibility to provide homeless housing and services to unaccompanied youth and children in involuntary and unstable shared living arrangements, such as those living temporarily in motels or hotels or ''couch surfing'' from house to house. The ultimate goal is to break the cycle of poverty, violence, and homelessness in our country by providing homeless unaccompanied youth and children with the opportunity to qualify for safe and stable housing so that they have a better chance of being healthy, performing better in school, and having a chance for a brighter future.

In addition, I would like to submit a New York Times article from September 16, 2008, entitled ''Capitol Strives to Define 'Homeless.' ''

[From the New York Times, Sept. 16, 2008]

CAPITOL STRIVES TO DEFINE ''HOMELESS''

(By Rachel L. Swarns)

WASHINGTON—With unemployment and foreclosures rising and growing numbers of families struggling to find affordable housing, lawmakers in Congress are debating who should be considered homeless.

For more than 20 years, federal housing law has counted as homeless only people living on the streets or in shelters. But now the House and the Senate are considering an expansion of the definition to include people precariously housed: those doubled up with friends or relatives or living day to day in motels, with money and options running out.

In the House, which is expected to vote on the issue this month, lawmakers are discussing whether to expand the definition to include about a million additional people—a subset within the group of children and their families in desperate need of stable housing—or to add a much smaller group that would include only people fleeing their homes because of domestic violence and those who can prove they will lose their housing within 14 days.

The Senate is considering a still narrower expansion that would include only those forced to move three times in one year or twice in 21 days. Congressional aides say senators are willing to expand the definition

further in consultations with the House that are now under way, but the Senate legislation is not expected to pass before lawmakers recess this month.

The outcome of the discussions will most likely broaden the categories of people eligible for emergency shelter, housing and other services provided by the Department of Housing and Urban Development's $1.7 billion budget for the homeless, which accounts for most federal spending on homelessness. Bush administration officials support the narrow expansion under consideration in the House.

But none of the bills come with any additional financing. And with too few shelter beds and services available to help the homeless who are already living on the streets, the debate over whether to expand significantly the pool of people eligible for such limited aid has sharply divided advocates for the homeless and upended political alliances.

In the House, Democratic leaders who pride themselves on their commitment to the poor find themselves arguing that there is simply too little money available to accommodate a broad expansion of the definition, and too little time left in the current Congress to accommodate any realistic expectation that new money can be added.

Some House Republicans, meanwhile, accuse the Democrats of turning their backs on hundreds of thousands of struggling families who are forced to move from couch to couch and from house to house to keep a roof over their heads.

Representative Barney Frank, the Massachusetts Democrat who heads the House Financial Services Committee, said, ''It's one of the saddest things that we deal with, and it's entirely the result of inadequate funding.''

''When there's not enough money to cover 'all of the above', you have to do priorities,'' Mr. Frank said. ''The question is, Which category of people are you going to leave unhelped?''

He and other Democrats blame President Bush and Republicans in Congress, saying they have directed critical resources toward tax cuts and the war in Iraq instead of making programs for the poor a priority.

Still, Mr. Frank has promised to keep negotiating with Republicans to reach agreement on a definition before the bill goes to a vote. And to help ease the strain where strict definition intersects with limited federal money, the bill would also give communities some flexibility in spending those dollars on people who do not meet the definition.

The issue is particularly complicated because HUD's narrow definition of homelessness is not the only one used by the government. The Education Department, for instance, which assists homeless students, counts as homeless those children who live doubled up with other families or in motels.

In the 2006–07 school year, the Education Department categorized 688,174 children as homeless. But only 32 percent of those children lived in shelters or outdoors. The rest failed to meet HUD's criteria for homelessness and so were ineligible to receive emergency shelter or priority on waiting lists for public or subsidized housing.

Several advocacy groups, including the National Coalition for the Homeless, argue that the HUD definition should more closely mirror the Education Department's. Their efforts have been championed by two House Republicans, Representatives Judy Biggert of Illinois and Geoff Davis of Kentucky, who would like those children identified as homeless by the Education Department or other federal agencies to be eligible for HUD's homelessness services.

These advocates note that many families live in communities where shelters are full or nonexistent. In other places, some say, shelters sometimes bar large families, families with two parents or those with boys older than 10.

''I think we have to take care of our most vulnerable,'' Ms. Biggert said. ''Shouldn't children as well as the others be a priority?''

Barbara Duffield, policy director at the National Association for the Education of Homeless Children and Youth, echoed those concerns. ''This is really about our nation acknowledging the extent of the housing crisis and the devastation it wreaks on children, youth and family,'' she said. ''The housing crisis is bigger than the emergency system put in place to address it 20 years ago.''

Opponents of a broad expansion of the definition counter that demand for shelter beds already exceeds supply. About 700,000 people live in shelters or on the streets on any given day, housing officials say. But federal dollars finance only 170,000 beds.

Some advocates also fear that communities would shift resources from single, mentally ill or addicted people to doubled-up families who were newly classified as homeless. Such families are typically easier to serve and politically more appealing.

''Nobody thinks that these families are having an easy time of it,'' said Steve Berg, vice president for programs and policy at the National Alliance to End Homelessness. ''But when push comes to shove, when you've got people in apartments and people in shelters and on the streets, the people in the latter group need the help more.''

No one knows precisely how many additional families would be helped by the modest expansion proposals under consideration in Congress, particularly since in practice, HUD already allows for a bit more than the current definition: it permits families who are doubled up to be considered homeless if they can show that they will be losing their housing within seven days.

Whatever the number, ''we need to deal with the most desperate the best that we can and keep working'' toward greater expansion, said Representative Maxine Waters, the California Democrat who heads the House Financial Services Subcommittee on Housing and Community Opportunity. ''We don't want to create competition and have people at each other's throats for limited space.''

Mr. Speaker, homelessness among children has become more and more pervasive as we face increasing economic challenges. A study conducted by First Focus and the Brookings Institute determined that 2 million children will be unfairly affected by the foreclosure crisis. Many of these children will become homeless. But without this compromise bill, HUD's very narrow definition of ''homeless'' will prevent many of these children from qualifying for housing assistance or services.

It's hard to believe that anyone would argue the issue of ''who is homeless'' when it comes to homeless children, but believe it or not, that for the past 15 years has been the crux of the debate on this bill.

As it stands today, HUD's definition includes those individuals on the street or in a shelter, but it excludes hundreds of thousands of children living in involuntary and unstable conditions, shared living arrangements such as those living temporarily in motels or hotels or ''couch surfing'' from house to house.

Mr. Speaker, there is no question that these children are homeless. When you hear them describe their lives, you can't help but understand why local homeless providers desperately want the flexibility to offer them services. Here's one story from Kentucky:

''I have lived in many homes and shelters. Just this past year, I have lived in 12 different homes. I have lived with classmates, teachers, friends, and strangers. Anyone who would accept me was better than the street . . . I have always dreamed of being free. I want the freedom to know where I am going to sleep, the freedom to know where my belongings are, and the freedom to know that I won't be asked to leave in the morning or the end of the week.''

Mr. Speaker, it's because of a story like this that last fall we began working with members of the Financial Services Committee, staff, and government and nongovernment organizations representing various homeless constituencies to craft a new definition that includes homeless unaccompanied youth, children, and their families.

□ 1330

These are families that are already considered homeless by all other Federal programs, but not recognized by HUD as homeless, and therefore do not qualify for aid.

I am pleased to report that the legislation we are considering today contains a compromise definition that will allow many more homeless unaccompanied youth, children, and their families, to access HUD services. There's still some things to work out with this bill, which is why I support a 2-year reauthorization of the program. During that time, we can work towards fixing provisions in this bill that don't seem to line up.

For example, there is a provision that explicitly excludes from HUD's official count of the U.S. homeless population all the homeless children and their families that fall under the bill's new definition. That doesn't make much sense.

In addition, the bill directs HUD to issue new regulations relating to the newly defined homeless children and families. I had hoped that this provision would include a negotiated rulemaking process so that all of the stakeholders involved could reach a consensus before a new rule is proposed. However, HUD is not required to do so, and could dismiss one side, the children's side, during the rulemaking process. It is my hope that our committee will continue to review this matter.

Finally, the bill sets funding restrictions on homeless children and families. It sets up a 10 percent cap on the funds that local homeless providers can use to serve these newly included populations. Were a local homeless provider to reach the limit, they would be forced to arbitrarily turn away homeless children and families. Clearly, this is an issue worth revisiting.

Mr. Speaker, despite these flaws, the legislation before us today will allow HUD to far more effectively complement the efforts of educators, service providers, and people like my friend and constituent, Diane Nilan, of Naperville, Illinois, who has worked so hard on this issue, as well as Barbara Duffield and Jeremy Rosen.

Mr. Speaker, this Congress has supported increased housing availability and affordability for many low-income individuals, families facing foreclosure, and disaster victims. I ask Members to continue that trend, and at least allow homeless children to qualify for safe and stable housing by voting for H.R. 7221.

With that, I would reserve the balance of my time.

Ms. MOORE of Wisconsin. Again, I want to thank my colleague for all of her hard work. But in addition to thanking her, I think it's really important to acknowledge Senator JACK REED and Senator ALLARD, who put a great deal of time into this as well.

It's worth mentioning that we have made one change to the introduced bill. Concerns had been raised about the factors in the bill, and whether they would result in adverse changes to certain communities and the funding formula.

We fully accounted for those concerns by using more generic language that reinforces the goals and objectives of the bill.

Mr. Speaker, I would now yield 5 minutes to my colleague, Chair of the Subcommittee on Housing and Community Opportunity, Representative MAXINE WATERS of California.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 7221, the Homeless Emergency Assistance and Rapid Transition to Housing Act. This is a major piece of legislation that has taken an enormous amount of work to bring to this point. I believe that, if enacted, this bill would substantially improve HUD's McKinney-Vento Homeless Assistance programs, by far the largest component of the Federal response to homelessness, with an annual appropriation in the last fiscal year of $1.586 billion.

Before getting to the substance of the bill, first I'd like to acknowledge the work of Senators REED and ALLARD, who both worked diligently for many years on S. 1518, the Community Partnership to End Homelessness Act. Senator REED and his staff, in particular, devoted enormous amounts of time to this issue. Due to scheduling factors beyond their control, the Senate was not able to send the bill over to us, but H.R. 7221 certainly reflects all of their work, including the personal commitment of time by the Senators to come over to this side to testify before my Housing and Community Opportunity Subcommittee last October.

I would also like to remember my late colleague, Representative Julia Carson, who introduced H.R. 840, the original HEARTH Act, and worked tirelessly on the bill until her untimely passing. I believe that she would be proud of the work we have undertaken to bring her bill to this consensus outcome. I am so pleased that her grandson, Representative ANDRÉ CARSON, is an original cosponsor of H.R. 7221.

I would also like to thank Representative GWEN MOORE, who stepped into Representative Carson's shoes and spearheaded the further movement of this bill. I appreciate Representative MOORE's commitment, because addressing homelessness—starting with reauthorizing the HUD's McKinney-Vento programs for the first time in 14 years—was a top priority for my subcommittee. This bill is informed by 2 days of subcommittee hearings in the fall, at which 26 witnesses testified on the HEARTH Act.

Finally, I would like to thank Representative GEOFF DAVIS and Representative JUDY BIGGERT for their tireless and passionate advocacy on behalf of homeless children and their families. Representative DAVIS is the lead Republican cosponsor of H.R. 840, the version of HEARTH that we marked up in the Financial Services Committee on July 31. Representative BIGGERT, formerly the ranking member of my subcommittee, is one of Congress's leading advocates for vulnerable families and their children. I am proud to say that both of them, as well as Ranking Member CAPITO, are also original cosponsors of H.R. 7221.

This is because we, as well as Chairman FRANK, remained committed to continuing our dialogue on the heart-wrenching issue of who qualifies as ''homeless'' under the HUD McKinney-Vento programs, even after a challenging markup. Thanks to this shared commitment to improving HUD's homeless programs, despite strong disagreement among well-intentioned outside stakeholders, we were able to negotiate a compromise that allows us to move forward.

To be clear, the conversation around the definition is not over. Indeed, the leadership of the Financial Services and Education and Labor Committees, as well as Representatives BIGGERT and DAVIS, just sent a letter to the GAO to obtain the best information available so that we can continue the discussion productively. I look forward to working with them to ensure that our Nation's most vulnerable families and children obtain the housing and social services they need.

Notably, while we were considering H.R. 840, they released important new data on homelessness. First, the number of chronically homeless people living in the Nation's streets and shelters has dropped by about 30 percent in the last 2 years. This impressive reduction of people stuck in the homeless system for literally years at a time is largely the result of targeting a portion of HUD McKinney-Vento resources over the last decade to an effective intervention—permanent supportive housing. Therefore, in reauthorizing these programs, we wanted to make sure not to lose this focus in HUD's homeless programs.

Unfortunately, HUD also reported a more discouraging statistic—that fully 1.6 million people experienced homelessness over the course of the year studied.

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

Ms. MOORE of Wisconsin. I would yield an additional 2 minutes to the gentlelady.

Ms. WATERS. Thank you very much.

Too many of these are families with children. Over time, we have learned that the best way to stop family homelessness is to prevent families from having to enter the homeless system at all, and to move those who do enter it back into permanent housing as quickly as possible. In reauthorization, then, we also wanted to increase resources available to homeless and at-risk families.

H.R. 7221 strikes the right balance between these two goals. In terms of permanent supportive housing, the bill ensures a continued commitment to this intervention, both by setting a floor on the annual investment HUD must make to new permanent supportive housing, and equally importantly, places the renewal funding of rental assistance and operating subsidies to existing permanent supportive housing on firm footing.

With respect to homeless families and children, the bill, first, revolutionizes the approach of HUD's formula ESG grant. Today, this program receives only 10 percent of the annual appropriation, and a mere third of that, about 3 percent of the total appropriation, can be spent on homeless prevention. The ''Emergency Solutions Program'' created by this bill emphasizes the solution we know works, namely, homelessness prevention. Therefore, a minimum of half of the now 20 percent of the annual appropriation dedicated to the new ESG program must be spent on homelessness prevention; that is, on households that don't fall into the HUD definition of homelessness.

Second, H.R. 7221 expands the definition of homelessness to include doubled-up and other poorly housed families who face the loss of their current housing within the next 2 weeks, as well as clarifying that anyone fleeing or attempting to flee domestic violence or another dangerous condition is to be considered homeless.

Finally, as a result of our discussions after markup, we have also included doubled-up and otherwise poorly housed families who have not lived independently for a period of time, and have undergone a series of moves that harm children, and face significant obstacles—such as disabilities or multiple barriers to employment—to obtaining stable, independent permanent housing.

Third, the newly created flexibility to use up to 10 percent of their funding to serve families

with children and unaccompanied youth defined as homeless under other Federal statutes but not under the HUD definition, acknowledges the incredibly vulnerable status of these families—and our duty to prevent them from a cycle of falling from their current doubled-up or other poorly housed situations into the shelters or onto the streets, or continuing on a merry-go-round of doubled up housing situations that wreak havoc on their children.

This brings between 20 and 30 percent of the annual appropriation, and perhaps more, that will be available to homeless housing and services providers who want to serve families with children who are doubled up or otherwise don't meet the HUD definition of homelessness. Rural areas receive even more flexibility to serve households who don't fall under the expanded HUD definition of homelessness to rural communities, responding to what we heard at the hearings—that homelessness doesn't look the same in rural areas as in big cities. In sum, we have truly maximized the resources available to homeless children and families. And, let's be clear, it's a lot of new resources—a multiple of 10 or more times the 3 percent available under current law.

I would conclude simply by noting that the improvements I just described are coupled with a significant consolidation and streamlining of HUD's administration of the McKinney-Vento programs. In sum, this bill is a major step forward in Federal homeless policy and I urge my colleagues to support it.

Mrs. BIGGERT. Mr. Speaker, I would like to yield 7 minutes to the gentleman from Kentucky, Mr. GEOFF DAVIS, who has worked so hard on this issue.

Mr. DAVIS of Kentucky. Mr. Speaker, we have come a long way since Julia Carson and I introduced the original version of this bill, H.R. 840, nearly 2 years ago. The McKinney-Vento programs haven't been reauthorized in nearly 15 years, and I am glad that the HEARTH Act was able to get this important discussion going again in Congress.

The Financial Services Committee held two hearings on this issue last year, and the testimony that we heard, from the providers especially, had a large impact to give us all a reality check on the different types of homelessness we are facing in this Nation. For example, in my part of the Nation, in the heartland in Kentucky, I'd like to call it homelessness in plain sight. We have very few of the classic HUD definition of homeless but, in reality, the vast majority, overwhelmingly so, are single parents with small children; more often than not, a battered woman with small children.

It's especially poignant for me to be here today, and I have to thank my friend and former office neighbor, the late Congresswoman Julia Carson. I was honored that she asked me to join originally to work on this bill with her. I give special thanks to my congressional classmate, Congresswoman GWEN MOORE, for helping me to keep this issue at the top of the committee's priorities.

I'd also like to recognize the tireless work of all of the homeless advocates on this bill, members of staff here, so many team members, that worked hard in common cause but, in particular, one person that I have to recognize and thank is Linda Young from Welcome House in northern Kentucky. Linda was the one who originally brought this problem of leaving children and families out of the HUD homeless programs to my attention over 2 years ago. She came up to Washington to testify for us about her hands-on experience with this issue, and truly she has been an inspiration, not only here, but to thousands and thousands of the needy in Kentucky.

As a fiscally conservative Republican, I fully support the Federal investment in the homeless assistance grant programs. A roof over one's head goes a long way, but it's truly the supportive services, combined with housing, that have the biggest impact on changing a person's path in life. These programs lend a helping hand to people who want to build a future and pursue a dream. This type of Federal assistance has a lasting and positive impact, not only on the recipient, but on our communities and, frankly, on the Federal Treasury.

To help children, especially now, in this time, in this formative time, to keep them from becoming part of the system in the long-run, a falling into the despair of a hopeless future, it is critical that we make this investment and we give our care providers on the front lines the opportunity to build relationships that will transform lives.

My primary goal in cosponsoring the HEARTH Act was to increase local flexibility. Homelessness in Kentucky's Fourth District is not the same as it is in California, for example. Local continuums and providers should have the flexibility to tailor their programs and grant funding to meet their unique needs, and not have Washington bureaucrats try to give a one-size-fits-all solution for the definition of homelessness.

This is all about acknowledging that homelessness looks different in different parts of the country. Homelessness has many faces that for the most part go unseen by the public at large. They walk by us every day in the shopping mall and on the street. We see them passing us in the stores and in the parks and, regrettably, even in our churches. We look the other way because we don't have eyes to see. But if we open our eyes, if we ask for that gift, and we see, then we are called to action to make a difference.

I am thrilled to see that we have come to a compromise with the Senate on the definition issue. The compromise includes homeless families and unaccompanied youth identified by other Federal agencies. In HUD's definition, this was a problem.

This is a huge step towards ending homelessness. I thank everybody who has worked on this across the country, those here in the Chamber and on the Hill, those in our communities around the Nation, and for me, especially, I'd like to take a moment to share, as I stand in this Chamber, as I walk the halls of Congress tonight, and especially, for me, what I consider one of the most significant legislative pieces to affect a generation that is coming up now.

□ 1345

I am humbled to be here. I was one of those children who had to leave in the middle the night. I was one of those children whose mother in desperation married somebody who probably should not have been married; a man who was violent, alcoholic, adulterous, a mean-spirited individual. And I know that feeling to watch as a helpless 6-year-old when your mother is being hit, and to step between those two and to leave the house and to hide in the closet, the secret that the neighborhood knew nothing about. But that reality and that pain for us came to salvation by the grace of God, that there were little islands of opportunity where we could take refuge.

The truth though for so many thousands is that is not there. They have to move to other towns, other school districts and other communities. What this does is provide that island, that helping hand. It helps us with our weaker brother. It helps us care for those who are around us in a way that I believe is responsible, both fiscally and obligation morally.

I commend all who have worked on this, and I say God bless you for your efforts.

Ms. MOORE of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume to engage in a colloquy with the chairman of the Housing Subcommittee of the Financial Services Committee.

I would like to thank the chairwoman and express my appreciation for all she has done for this, and to express my appreciation to my other chairman, Mr. GEORGE MILLER, for his outstanding work on behalf of homeless people, and for working with our Financial Services Committee to recognize the educational and housing needs of homeless children and youth. I would also like to thank Representative MCCARTHY and Representative GEOFF DAVIS for their work as well.

As you know, the Education and Labor Committee has jurisdiction for the McKinney-Vento Education For Homeless Children Act, the Runaway and Homeless Youth Act and Head Start. H.R. 7221 will broaden HUD's definition of homelessness to include a subset of children and youth who meet the definition of homelessness used by other Federal statutes. We appreciate the inclusion of these children, and believe it is a step in the right direction. In particular, it covers those children and youth who, either on their own or as part of a family, have experienced a long-term period without living stably or independently in permanent housing.

Madam Chairwoman, as this term ''long-term period'' is open to interpretation, is it the committee's intention that any regulation that interprets this provision would acknowledge that ''long-term period'' should be viewed from the perspective of children and recognize their unique developmental needs?

Ms. WATERS. Absolutely. The committee recognizes that the expansion of the definition of homelessness to include these children and families was carried out with the intention of addressing the unique experiences of children and youth who are homeless.

Mrs. BIGGERT. Madam Chairman, it is also our committee's understanding that the legislation before us allows families and youth who meet other Federal programs' definitions of homelessness and have experienced instability as experienced by frequent moves to be considered homeless for HUD's purposes.

Am I correct in understanding that the intent of this provision is to ensure that the full measures of challenges facing homeless families and unaccompanied youth are addressed, including programs related to changes of school and educational progress that can be caused by frequent moves?

Ms. WATERS. Yes, you are absolutely correct.

Mrs. BIGGERT. Madam Chairman, by including language that acknowledges the various definitions of homelessness in other Federal statutes, is it the committee's intention that HUD's homeless assistance programs should consider information provided by these Federal programs in determining eligibility under this section and that HUD-funded homeless providers should be encouraged to engage with homeless providers receiving funds from other Federal agencies to utilize their assessments and counsel in making eligibility requirements?

Ms. WATERS. Yes. Federal programs must work together to meet the needs of families and unaccompanied youth, and that collaboration should include information needed for eligibility decisions.

Mrs. BIGGERT. Madam Chairman, lastly, we want to thank you for expanding the definition of homeless to include youth who are unaccompanied and who are experiencing several barriers simultaneously.

Am I correct in understanding that the many problems experienced by youth because they lack a parent, legal guardian or consistent caregiver should be considered barriers for employment that are described in paragraph 6(c) of the definition?

Ms. WATERS. Yes. We know that there are many obstacles that keep these youth from obtaining stable housing, including barriers to employment and their unaccompanied status, and we expect HUD to take the issues you raised into consideration.

Mrs. BIGGERT. Again, Madam Chairman, thank you for all your work, and Representative GEOFF DAVIS and Representative MCCARTHY. I look forward to working with you moving forward on this issue.

I reserve the balance of my time.

Ms. MOORE of Wisconsin. Mr. Speaker, I have no further speakers, and I reserve the balance of my time in pursuit of eagerly hearing from other speakers that Mrs. BIGGERT may bring forth.

Mrs. BIGGERT. I have no other speakers, but I would yield myself such time as I may consume to close.

I spoke earlier a little bit about my friend and constituent Diane Nilan of Naperville, Illinois, who has done so much for the homeless. She has worked tirelessly for 20 years to provide a home for homeless children and families across the country, and I think she has seen firsthand the mental, physical and emotional degradation that children and families experience with homelessness.

In her testimony before the Financial Services Committee last October she said, ''Homeless service providers in communities of all sizes await the day that HUD provides the opportunity for people in all homeless situations to receive the assistance they need. They long to be free to focus on easing homelessness as it appears in their communities, on the street, doubled up or in motels, instead of having their hands tied with arbitrary rules and restrictions. They desire Federal resources to supplement local efforts to house and assist the growing number of families without a place to call home.''

I would also like to thank Carol Simler of DuPage PADS and all the wonderful people in my district who help with homelessness. I know we all have so many stories in all of our districts.

With that, I would urge my colleagues to vote for this bill.

Mr. SHAYS. Mr. Speaker, I support H.R. 7221, the Community Partnership to End Homelessness Act, and urge my colleagues to support the reauthorization of this important legislation.

The Stewart B. McKinney Homeless Assistance Act, now known as the McKinney-Vento Homeless Assistance Act, was first enacted in 1987 as the first major, coordinated Federal response to homelessness. McKinney-Vento homeless assistance programs were last reauthorized in the Housing and Community Development Act of 1992. Since then, Congress has considered numerous proposals to improve the program but not completed a full reauthorization of the legislation.

Passed in response to the rapid and dramatic growth of homelessness in the United States during the 1980s, the McKinney Act emphasized emergency measures, transitional measures, and long-term solutions to combat the homeless crisis.

Despite the impact of the McKinney-Vento Act, homelessness continues to be a pervasive problem in America. It is important Congress support a comprehensive range of programs beyond emergency food, shelter and health care services for the homeless.

We must promote the development of affordable housing, provide supportive services to those who are homeless or in vulnerable housing situations, acknowledge and study the high rates of homelessness among our Nation's veterans and recognize the critical role our schools play in preventing and ending homelessness among children.

I serve in the seat previously represented by Stewart McKinney. Stewart served as the ranking Republican on the House Banking Subcommittee on Housing, as well as the House Committee on the District of Columbia. It was in this capacity that he became especially concerned about homelessness, particularly in our capital city.

He loved urban areas and like our colleague Bruce Vento, he recognized homelessness is a national problem that requires a national solution.

Stewart's commitment to exposing the depth of the growing problem of homelessness in the 1980s led him to contract pneumonia after sleeping on a grate outside a Federal building with DC area homeless.

Shortly after his death on May 7, 1987, his family, friends and staff gathered to discuss how to continue his philosophy of caring for those who are the least able to care for themselves.

They created the Stewart B. McKinney Foundation, an organization whose mission is to provide funds to care for persons with HIV who are homeless or at risk of homelessness.

Today, Lucie McKinney continues the work Stewart began in his memory, and keeps his spirit alive in this precious foundation.

Stewart was beloved by his colleagues on both sides of the aisle. Reading the tributes that were offered to Stewart on this House floor on the day of his death, I was struck by his colleagues' appreciation for his humanity, warm spirit, bipartisanship, and dedication to doing good.

Mrs. BIGGERT. I yield back the balance of my time.

Ms. MOORE of Wisconsin. 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 Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 7221, 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.

Ms. MOORE of Wisconsin. 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.

MESSAGE FROM THE SENATE

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

H.R. 3480. An act to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

H.R. 6296. An act to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

H.R. 7082. An act 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 5 o'clock and 5 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further 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. 6469. An act to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

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:

S. 3641, by the yeas and nays;

H.R. 7221, by the yeas and nays.

The vote on S. 3197 will be taken tomorrow.

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

NATIONAL CRIME VICTIM LAW INSTITUTE REAUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 3641, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3641.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 21, as follows:

[Roll No. 676]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
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 (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
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
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—21

Carnahan
Clay
Conyers
Crowley
Cubin
Ferguson
Gilchrest
Graves
Gutierrez
Hulshof
Hunter
Kingston
Maloney (NY)
Moran (KS)
Murphy, Patrick
Pryce (OH)
Space
Stark
Thompson (MS)
Udall (CO)
Wasserman Schultz

□ 1727

Mr. PAYNE changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE

Mr. HASTINGS of Florida. Mr. Speaker, I move to table the motion to reconsider.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 295, noes 115, not voting 23, as follows:

[Roll No. 677]

AYES—295

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Klein (FL)
Kline (MN)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—115

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Everett
Feeney
Flake
Fossella
Foxx
Gallegly
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Issa
Johnson (IL)
Johnson, Sam
Keller
King (NY)
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pitts
Platts
Poe
Price (GA)
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NJ)
Stearns
Sullivan
Tancredo
Thornberry
Upton
Walberg
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wittman (VA)
Young (AK)

NOT VOTING—23

Carnahan
Clay
Crowley
Cubin
Ferguson
Frank (MA)
Gilchrest
Grijalva
Gutierrez
Hulshof
Hunter
Kingston
Maloney (NY)
Mollohan
Moran (KS)
Murphy, Patrick
Pryce (OH)
Shays
Space
Stark
Thompson (MS)
Udall (CO)
Wasserman Schultz

□ 1736

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MORAN of Kansas. Mr. Speaker, on rollcall nos. 676 and 677, I was inadvertantly detained because of flight delays. Had I been present, I would have voted "aye" on rollcall No. 676 and "yea" on rollcall No. 677.

HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7221, 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 gentlewoman from Wisconsin (Ms. MOORE) that the House suspend the rules and pass the bill, H.R. 7221, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 355, nays 61, not voting 17, as follows:

[Roll No. 678]

YEAS—355

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta

Sarbanes	Solis	Walden (OR)
Saxton	Souder	Walsh (NY)
Schakowsky	Speier	Walz (MN)
Schiff	Spratt	Wamp
Schmidt	Stupak	Waters
Schwartz	Sutton	Watson
Scott (GA)	Tanner	Watt
Scott (VA)	Tauscher	Waxman
Serrano	Taylor	Weiner
Sestak	Terry	Welch (VT)
Shays	Thompson (CA)	Weldon (FL)
Shea-Porter	Thornberry	Weller
Sherman	Tiahrt	Wexler
Shimkus	Tiberi	Whitfield (KY)
Shuler	Tierney	Wilson (NM)
Simpson	Towns	Wilson (OH)
Sires	Tsongas	Wilson (SC)
Skelton	Turner	Wittman (VA)
Slaughter	Udall (NM)	Wolf
Smith (NE)	Upton	Woolsey
Smith (NJ)	Van Hollen	Wu
Smith (TX)	Velázquez	Yarmuth
Smith (WA)	Visclosky	Young (AK)
Snyder	Walberg	Young (FL)

NAYS—61

Akin	Gohmert	Paul
Barrett (SC)	Goode	Pence
Blackburn	Goodlatte	Pitts
Broun (GA)	Hall (TX)	Poe
Burton (IN)	Hastings (WA)	Price (GA)
Buyer	Hensarling	Radanovich
Campbell (CA)	Inglis (SC)	Rohrabacher
Cantor	Johnson, Sam	Roskam
Carter	Jordan	Royce
Conaway	King (IA)	Sali
Culberson	Kline (MN)	Scalise
Davis, David	Lamborn	Sensenbrenner
Deal (GA)	Lewis (KY)	Sessions
Doolittle	Linder	Shadegg
Duncan	Mack	Shuster
Everett	Marchant	Stearns
Flake	McHenry	Sullivan
Foxx	Miller (FL)	Tancredo
Franks (AZ)	Musgrave	Westmoreland
Garrett (NJ)	Neugebauer	
Gingrey	Nunes	

NOT VOTING—17

Carnahan	Gutierrez	Space
Clay	Hulshof	Stark
Crowley	Hunter	Thompson (MS)
Cubin	Kingston	Udall (CO)
Ferguson	Murphy, Patrick	Wasserman
Gilchrest	Pryce (OH)	Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1744

Mr. NUNES and Mr. SHUSTER changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 676, 677 and 678.

CORRECTING ENROLLMENT OF S. 3001, DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. SKELTON. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent 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. 442

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill S. 3001, the Secretary of the Senate shall make the following corrections:

(1) In section 201(1), strike ''$11,045,052,000'' and insert ''$10,943,840,000''.

(2) In section 202(a), strike ''$11,799,660'' and insert ''$11,799,660,000''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CAPITOL VISITOR CENTER ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5159) 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, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, 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 ''Capitol Visitor Center Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—CAPITOL VISITOR CENTER

Sec. 101. Designation of facility as Capitol Visitor Center; purposes of facility; treatment of the Capitol Visitor Center.
Sec. 102. Designation and naming within the Capitol Visitor Center.
Sec. 103. Use of the Emancipation Hall of the Capitol Visitor Center.

TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

Sec. 201. Establishment.
Sec. 202. Appointment and supervision of Chief Executive Officer for Visitor Services.
Sec. 203. General duties of Chief Executive Officer.
Sec. 204. Assistant to the Chief Executive Officer.
Sec. 205. Gift shop.
Sec. 206. Food service operations.

TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

Sec. 301. Establishment and accounts.
Sec. 302. Deposits in the Fund.
Sec. 303. Use of monies.
Sec. 304. Administration of Fund.

TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

Subtitle A—Capitol Guide Service

Sec. 401. Transfer of Capitol Guide Service.
Sec. 402. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

Sec. 411. Office of Congressional Accessibility Services.
Sec. 412. Transfer from Capitol Guide Service.

Subtitle C—Transfer Date and Technical and Conforming Amendments

Sec. 421. Transfer date.
Sec. 422. Technical and conforming amendments.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Jurisdictions unaffected.
Sec. 502. Student loan repayment authority.
Sec. 503. Acceptance of volunteer services.
Sec. 504. Coins treated as gifts.
Sec. 505. Flexible work schedule pilot program.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

Sec. 601. Authorization of appropriations.

TITLE I—CAPITOL VISITOR CENTER

SEC. 101. DESIGNATION OF FACILITY AS CAPITOL VISITOR CENTER; PURPOSES OF FACILITY; TREATMENT OF THE CAPITOL VISITOR CENTER.

(a) DESIGNATION.—The facility authorized for construction under the heading ''CAPITOL VISITOR CENTER'' under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–569) is designated as the Capitol Visitor Center and is a part of the Capitol.

(b) PURPOSES OF THE FACILITY.—The Capitol Visitor Center shall be used—

(1) to provide enhanced security for persons working in or visiting the United States Capitol;

(2) to improve the visitor experience by providing a structure that will afford improved visitor orientation and enhance the educational experience of those who have come to learn about the Congress and the Capitol; and

(3) for other purposes as determined by Congress or the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) TREATMENT OF THE CAPITOL VISITOR CENTER.—

(1) OVERSIGHT.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall have oversight of the Capitol Visitor Center.

(2) TREATMENT OF EXPANSION SPACE OF THE SENATE AND HOUSE OF REPRESENTATIVES IN THE CAPITOL VISITOR CENTER.—

(A) SENATE.—The expansion space of the Senate described as unassigned space under the heading ''CAPITOL VISITOR CENTER'' under the heading ''ARCHITECT OF THE CAPITOL'' under title II of the Act entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes'', approved November 12, 2001 (Public Law 107–68; 115 Stat. 588) shall be part of the Senate wing of the Capitol.

(B) HOUSE OF REPRESENTATIVES.—The expansion space of the House of Representatives described as unassigned space under the heading ''CAPITOL VISITOR CENTER'' under the heading ''ARCHITECT OF THE CAPITOL'' under title II of the Act entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes'', approved November 12, 2001 (Public Law 107–68; 115 Stat. 588) shall be part of the House of Representatives wing of the Capitol.

(d) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall jointly prescribe regulations

for the assignment of the space in the Capitol Visitor Center known as the Congressional Auditorium and the related adjacent areas.

(2) RELATED ADJACENT AREAS.—The regulations under paragraph (1) shall include a designation of the areas that are related adjacent areas to the Congressional Auditorium.

(e) VISITOR CENTER SPACE IN THE CAPITOL.—Section 301 of the National Visitor Center Facilities Act of 1968 (2 U.S.C. 2165) is repealed.

(f) EXHIBITS FOR DISPLAYS.—

(1) IN GENERAL.—

(A) LOAN AGREEMENTS.—Subject to subparagraph (B), the Architect of the Capitol may enter into loan agreements to place historical objects for display in the Exhibition Hall of the Capitol Visitor Center.

(B) CONSULTATION AND APPROVAL.—The Architect of the Capitol may exercise the authority under subparagraph (A) with respect to each loan agreement—

(i) after consultation with—

(I) the Senate Commission on Art; and

(II) the House of Representatives Fine Arts Board; and

(ii) subject to the approval of—

(I) the Committee on Rules and Administration of the Senate; and

(II) the Committee on House Administration of the House of Representatives.

(C) EFFECTIVE DATE.—This paragraph shall take effect on December 3, 2008.

(2) EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) is amended by inserting ''Emancipation Hall of the Capitol Visitor Center,'' after ''Rotunda,''.

(3) EXCEPTIONS TO EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) shall not apply to any historical object placed within an exhibit in the Exhibition Hall of the Capitol Visitor Center that—

(A)(i) is directly related to the purpose of the Capitol Visitor Center under subsection (b)(2);

(ii) is the subject of a loan agreement entered into by the Architect of the Capitol before December 2, 2008; and

(iii) has been approved by the Capitol Preservation Commission; or

(B) is the subject of a loan agreement described under paragraph (1)(A).

(4) SUBSTITUTION OF HISTORICAL OBJECT.—A loan agreement described under paragraph (3)(A)(ii) may provide for the removal of an historical object from exhibition for preservation purposes and the substitution of that object with another historical object having a comparable educational purpose.

SEC. 102. DESIGNATION AND NAMING WITHIN THE CAPITOL VISITOR CENTER.

(a) IN GENERAL.—Except as provided under subsection (b), no part of the Capitol Visitor Center may be designated or named without the approval of—

(1) not less than ¾ of all members on the Capitol Preservation Commission who are members of the Democratic party; and

(2) not less than ¾ of all members on the Capitol Preservation Commission who are members of the Republican party.

(b) EXCEPTION.—Subsection (a) shall not apply to any room or space under the jurisdiction of the Senate or the House of Representatives.

SEC. 103. USE OF THE EMANCIPATION HALL OF THE CAPITOL VISITOR CENTER.

The Emancipation Hall of the Capitol Visitor Center may not be used for any event, except upon the passage of a resolution agreed to by both houses of Congress authorizing the use of the Emancipation Hall for that event.

TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

SEC. 201. ESTABLISHMENT.

There is established within the Office of the Architect of the Capitol the Office of the Capitol Visitor Center (in this Act referred to as the ''Office''), to be headed by the Chief Executive Officer for Visitor Services (in this Act referred to as the ''Chief Executive Officer'').

SEC. 202. APPOINTMENT AND SUPERVISION OF CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.

(a) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Architect of the Capitol.

(b) SUPERVISION AND OVERSIGHT.—The Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) REMOVAL.—Upon removal of the Chief Executive Officer, the Architect of the Capitol shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

(d) COMPENSATION.—The Chief Executive Officer shall be paid at an annual rate of pay equal to the annual rate of pay of the Deputy Architect of the Capitol.

(e) TRANSITION FOR CURRENT CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.—

(1) APPOINTMENT.—The individual who serves as the Chief Executive Officer for Visitor Services under section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) as of the date of the enactment of this Act shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

SEC. 203. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.

(a) ADMINISTRATION OF FACILITIES, SERVICES, AND ACTIVITIES.—

(1) IN GENERAL.—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and daily operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with sections 401 and 402, the management of guided tours of the interior of the United States Capitol.

(2) INDEPENDENT BUDGET CONSIDERATION.—

(A) IN GENERAL.—The Architect of the Capitol, upon recommendation of the Chief Executive Officer, shall submit the proposed budget for the Office for a fiscal year in the proposed budget for that year for the Office of the Architect of the Capitol (as submitted by the Architect of the Capitol to the President). The proposed budget for the Office shall be considered independently from the other components of the proposed budget for the Architect of the Capitol.

(B) EXCLUSION OF COSTS OF GENERAL MAINTENANCE AND REPAIR OF VISITOR CENTER.—In preparing the proposed budget for the Office under subparagraph (A), the Chief Executive Officer shall exclude costs attributable to the activities and services described under section 501(b) (relating to continuing jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center).

(b) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out this Act, the Architect of the Capitol shall have the authority to, upon recommendation of the Chief Executive Officer—

(1) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office, except that no employee may be paid at an annual rate in excess of the maximum rate payable for level 15 of the General Schedule;

(2) disburse funds as may be necessary and available for the needs of the Office (consistent with the requirements of section 303 in the case of amounts in the Capitol Visitor Center Revolving Fund); and

(3) designate an employee of the Office to serve as contracting officer for the Office, subject to subsection (c).

(c) REQUIRING APPROVAL OF CERTAIN CONTRACTS.—The Architect of the Capitol may not enter into a contract for the operations of the Capitol Visitor Center for which the amount involved exceeds $250,000 without the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(d) SEMIANNUAL REPORTS.—The Chief Executive Officer shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Chief Executive Officer. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

SEC. 204. ASSISTANT TO THE CHIEF EXECUTIVE OFFICER.

(a) IN GENERAL.—The Architect of the Capitol shall—

(1) upon recommendation of the Chief Executive Officer, appoint an assistant who shall perform the responsibilities of the Chief Executive Officer during the absence or disability of the Chief Executive Officer, or during a vacancy in the position of the Chief Executive Officer; and

(2) notwithstanding section 203(b)(1), fix the rate of basic pay for the position of the assistant appointed under subparagraph (A) at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(b) TRANSITION FOR CURRENT ASSISTANT CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT.—The individual who serves as the assistant under section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) as of the date of the enactment of this Act shall be the first Assistant Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) is repealed.

SEC. 205. GIFT SHOP.

(a) ESTABLISHMENT.—The Architect of the Capitol, acting through the Chief Executive Officer, shall establish a Capitol Visitor Center Gift Shop within the Capitol Visitor Center for the purpose of providing for the sale of gift items. All moneys received from sales and other services by the Capitol Visitor Center Gift Shop shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301 and shall be available for purposes of this section.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

SEC. 206. FOOD SERVICE OPERATIONS.

(a) RESTAURANT, CATERING, AND VENDING.—The Architect of the Capitol, acting through the Chief Executive Officer, shall establish within the Capitol Visitor Center a restaurant and other food service facilities, including catering services and vending machines.

(b) CONTRACT FOR FOOD SERVICE OPERATIONS.—

(1) IN GENERAL.—The Architect of the Capitol, acting through the Chief Executive Officer, may enter into a contract for food service operations within the Capitol Visitor Center.

(2) EXISTING CONTRACT UNAFFECTED.—Nothing in paragraph (1) shall be construed to affect any contract for food service operations within the Capitol Visitor Center in effect on the date of enactment of this Act.

(c) DEPOSITS.—All net profits from the food service operations within the Capitol Visitor Center and all commissions received from the contractor for such food service operations shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301.

(d) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

SEC. 301. ESTABLISHMENT AND ACCOUNTS.

There is established in the Treasury of the United States a revolving fund to be known as the Capitol Visitor Center Revolving Fund (in this section referred to as the ''Fund''), consisting of the following individual accounts:

(1) The Gift Shop Account.

(2) The Miscellaneous Receipts Account.

SEC. 302. DEPOSITS IN THE FUND.

(a) GIFT SHOP ACCOUNT.—There shall be deposited in the Gift Shop Account all monies received from sales and other services by the gift shop established under section 205, together with any interest accrued on balances in the Account.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—There shall be deposited in the Miscellaneous Receipts Account each of the following (together with any interest accrued on balances in the Account):

(1) Any amounts deposited under section 206(c).

(2) Any other receipts received from the operation of the Capitol Visitor Center.

(3) Any amounts described under section 504(d).

SEC. 303. USE OF MONIES.

(a) GIFT SHOP ACCOUNT.—

(1) IN GENERAL.—All monies in the Gift Shop Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in connection with the operation of the gift shop under section 205, including supplies, inventories, equipment, and other expenses. In addition, such monies may be used by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, to reimburse any applicable appropriations account for amounts used from such appropriations account to pay the salaries of employees of the gift shops.

(2) USE OF REMAINING FUNDS.—To the extent monies in the Gift Shop Account are available after disbursements and reimbursements are made under paragraph (1), the Architect of the Capitol, upon recommendation of the Chief Executive Officer, may disburse such monies for the operation of the Capitol Visitor Center, after consultation with—

(A) the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives; and

(B) the Committees on Appropriations of the House of Representatives and Senate.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—All monies in the Miscellaneous Receipts Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, for the operations of the Capitol Visitor Center, after consultation with—

(1) the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives; and

(2) the Committees on Appropriations of the House of Representatives and Senate.

SEC. 304. ADMINISTRATION OF FUND.

(a) DISBURSEMENTS.—Disbursements from the Fund may be made by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) INVESTMENT AUTHORITY.—The Secretary of the Treasury shall invest any portion of the Fund that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, has a maturity date suitable for the purposes of the Fund. The Secretary of the Treasury shall credit interest earned on the obligations to the Fund.

(c) AUDIT.—The Fund shall be subject to audit by the Comptroller General at the discretion of the Comptroller General.

TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

Subtitle A—Capitol Guide Service

SEC. 401. TRANSFER OF CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL TO OFFICE OF THE CAPITOL VISITOR CENTER.—In accordance with the provisions of this title, effective on the transfer date—

(1) the Capitol Guide Service shall be an office within the Office;

(2) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Capitol Guide Service, established under section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166), and the employees of the Capitol Guide Service, are transferred to the Office, except that the transfer of any amounts appropriated to the Capitol Guide Service that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(3) the Capitol Guide Service shall be subject to the direction of the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in accordance with this subtitle.

(b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE SERVICE AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Capitol Guide Service on a nontemporary basis on the transfer date who is transferred to the Office under subsection (a) shall be subject to the authority of the Architect of the Capitol under section 402(b), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office, other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(c) EXCEPTION FOR CONGRESSIONAL SPECIAL SERVICES OFFICE.—This section does not apply with respect to any employees, contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service that are transferred to the Office of Congressional Accessibility Services under subtitle B.

SEC. 402. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERVICE.

(a) PROVISION OF GUIDED TOURS.—

(1) TOURS.—In accordance with this section, the Capitol Guide Service shall provide without charge guided tours of the interior of the United States Capitol, including the Capitol Visitor Center, for the education and enlightenment of the general public.

(2) ACCEPTANCE OF FEES PROHIBITED.—An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of the official services of that employee.

(3) REGULATIONS OF THE ARCHITECT OF THE CAPITOL.—All such tours shall be conducted in compliance with regulations approved by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) AUTHORITY OF THE ARCHITECT OF THE CAPITOL.—In providing for the direction, supervision, and control of the Capitol Guide Service, the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is authorized to—

(1) subject to the availability of appropriations, establish and revise such number of positions of Guide in the Capitol Guide Service as the Architect of the Capitol considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) appoint, on a permanent basis without regard to political affiliation and solely on the basis of fitness to perform their duties, a Chief Guide and such deputies as the Architect of the Capitol considers appropriate for the effective administration of the Capitol Guide Service and, in addition, such number of Guides as may be authorized;

(3) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, with respect to the individuals appointed under paragraph (2)—

(A) prescribe the individual's duties and responsibilities; and

(B) fix, and adjust from time to time, respective rates of pay at single per annum (gross) rates;

(4) with respect to the individuals appointed under paragraph (2), take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Architect of the Capitol under paragraph (8);

(5) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service;

(6) from time to time and as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel;

(7) receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public; and

(8) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, prescribe such regulations as the Architect of the Capitol considers necessary and appropriate for the operation of the Capitol Guide Service, including regulations with respect to tour routes and hours of operation, number of visitors per guide, staff-led tours, and non-law enforcement security and special event related support.

(c) PROVISION OF ACCESSIBLE TOURS IN COORDINATION WITH OFFICE OF CONGRESSIONAL

ACCESSIBILITY SERVICES.—The Chief Executive Officer shall coordinate the provision of accessible tours for individuals with disabilities with the Office of Congressional Accessibility Services established under subtitle B.

(d) DETAIL OF PERSONNEL.—The Architect of the Capitol shall detail personnel of the Capitol Guide Service based on a request from the Capitol Police Board to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with—

(1) the inauguration of the President and Vice President of the United States;

(2) the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives; or

(3) other special or ceremonial occasions in the United States Capitol or on the United States Capitol Grounds that—

(A) require the presence of additional Government personnel; and

(B) cause the temporary suspension of the performance of regular duties.

(e) EFFECTIVE DATE.—This section shall take effect on the transfer date.

Subtitle B—Office of Congressional Accessibility Services

SEC. 411. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.

(a) IN GENERAL.—Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is amended to read as follows:

"SEC. 310. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.

''(a) ESTABLISHMENT OF OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.—

''(1) ESTABLISHMENT.—There is established in the legislative branch the Office of Congressional Accessibility Services, to be headed by the Director of Accessibility Services.

''(2) CONGRESSIONAL ACCESSIBILITY SERVICES BOARD.—

''(A) ESTABLISHMENT.—There is established the Congressional Accessibility Services Board, which shall be composed of—

''(i) the Sergeant at Arms and Doorkeeper of the Senate;

''(ii) the Secretary of the Senate;

''(iii) the Sergeant at Arms of the House of Representatives;

''(iv) the Clerk of the House of Representatives; and

''(v) the Architect of the Capitol.

''(B) DIRECTION OF BOARD.—The Office of Congressional Accessibility Services shall be subject to the direction of the Congressional Accessibility Services Board.

''(3) MISSION AND FUNCTIONS.—

''(A) IN GENERAL.—The Office of Congressional Accessibility Services shall—

''(i) provide and coordinate accessibility services for individuals with disabilities, including Members of Congress, officers and employees of the House of Representatives and the Senate, and visitors, in the United States Capitol Complex; and

''(ii) provide information regarding accessibility for individuals with disabilities, as well as related training and staff development, to Members of Congress and employees of the Senate and the House of Representatives.

''(B) UNITED STATES CAPITOL COMPLEX DEFINED.—In this paragraph, the term 'United States Capitol Complex' means the Capitol buildings (as defined in section 5101 of title 40, United States Code) and the United States Capitol Grounds (as described in section 5102 of such title).

''(b) DIRECTOR OF ACCESSIBILITY SERVICES.—

''(1) APPOINTMENT, PAY, AND REMOVAL.—

''(A) APPOINTMENT AND PAY.—The Director of Accessibility Services shall be appointed by the Congressional Accessibility Services Board and shall be paid at a rate of pay determined by the Congressional Accessibility Services Board.

''(B) REMOVAL.—Upon removal of the Director of Accessibility Services, the Congressional Accessibility Services Board shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

''(2) PERSONNEL AND OTHER ADMINISTRATIVE FUNCTIONS.—

''(A) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out the functions of the Office of Congressional Accessibility Services under subsection (a), the Director of Accessibility Services shall have the authority to—

''(i) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office of Congressional Accessibility Services, except that no employee may be paid at an annual rate in excess of the annual rate of pay for the Director of Accessibility Services;

''(ii) take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Office of Congressional Accessibility Services, against any employee;

''(iii) disburse funds as may be necessary and available for the needs of the Office of Congressional Accessibility Services; and

''(iv) serve as contracting officer for the Office of Congressional Accessibility Services.

''(B) AGREEMENTS WITH THE OFFICE OF THE ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE BRANCH AGENCIES, AND WITH OFFICES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—Subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Director of Accessibility Services may place orders and enter into agreements with the Office of the Architect of the Capitol, with other legislative branch agencies, and with any office or other entity of the Senate or House of Representatives for procuring goods and providing financial and administrative services on behalf of the Office of Congressional Accessibility Services, or to otherwise assist the Director in the administration and management of the Office of Congressional Accessibility Services.

''(3) SEMIANNUAL REPORTS.—The Director of Accessibility Services shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Director. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.''.

(b) SPECIFIC FUNCTIONS.—The Director of Accessibility Services shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives a list of the specific functions that the Office of Congressional Accessibility Services will perform in carrying out this subtitle with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives. The Director of Accessibility Services shall submit the list not later than 30 days after the transfer date.

(c) TRANSITION FOR CURRENT DIRECTOR.—The individual who serves as the head of the Congressional Special Services Office as of the date of the enactment of this Act shall be the first Director of Accessibility Services appointed by the Congressional Accessibility Services Board under section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by this section).

SEC. 412. TRANSFER FROM CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL OF CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL GUIDE SERVICE.—In accordance with the provisions of this title, effective on the transfer date—

(1) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service, and the employees of such Office, are transferred to the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the transfer of any amounts appropriated to the Congressional Special Services Office that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the employees of such Office shall be subject to the direction, supervision, and control of the Director of Accessibility Services.

(b) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Congressional Special Services Office of the Capitol Guide Service on a nontemporary basis on the transfer date who is transferred under subsection (a) shall be subject to the authority of the Director of Accessibility Services under section 310(b) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office of Congressional Accessibility Services shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Director of Accessibility Services may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office of Congressional Accessibility Services under subsection (a).

Subtitle C—Transfer Date and Technical and Conforming Amendments

SEC. 421. TRANSFER DATE.

In this title, the term ''transfer date'' means the date occurring on the first day of the first pay period (applicable to employees transferred under section 401) occurring on or after 30 days after the date of enactment of this Act.

SEC. 422. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(3)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

''(C) the Office of Congressional Accessibility Services;''.

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Guide Board,'' and inserting ''the Office of Congressional Accessibility Services,''.

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

''(4) the Office of Congressional Accessibility Services;''.

(4) PERIODIC INSPECTIONS FOR OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE.—Section 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is amended by striking ''the Capitol Guide Service,'' and inserting ''the Office of Congressional Accessibility Services,''.

(c) TREATMENT AS CONGRESSIONAL EMPLOYEES FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5, United States Code, is amended to read as follows:

''(9) an employee of the Office of Congressional Accessibility Services.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. JURISDICTIONS UNAFFECTED.

(a) SECURITY JURISDICTION UNAFFECTED.—Nothing in this Act granting any authority to the Architect of the Capitol or Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Capitol Police, the Capitol Police Board, the Sergeant at Arms and Doorkeeper of the Senate, and the Sergeant at Arms of the House of Representatives to provide security for the Capitol, including the Capitol Visitor Center.

(b) ARCHITECT OF THE CAPITOL JURISDICTION UNAFFECTED.—

(1) IN GENERAL.—Nothing in this Act granting any authority to the Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center. All maintenance services, groundskeeping services, improvements, alterations, additions, and repairs for the Capitol Visitor Center shall be made under the direction and supervision of the Architect, subject to the approval of the Committee on Rules and Administration of the Senate and the House Office Building Commission as to matters of general policy.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1305 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1825) is repealed.

SEC. 502. STUDENT LOAN REPAYMENT AUTHORITY.

Section 5379(a)(1)(A) of title 5, United States Code, is amended by inserting '', the Architect of the Capitol, the Botanic Garden, and the Office of Congressional Accessibility Services'' after ''title''.

SEC. 503. ACCEPTANCE OF VOLUNTEER SERVICES.

Notwithstanding section 1342 of title 31, United States Code, the Architect of the Capitol, upon the recommendation of the Chief Executive Officer, may accept and use voluntary and uncompensated services for the Capitol Visitor Center as the Architect of the Capitol determines necessary. No person shall be permitted to donate personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or connection with such services, other than a claim under the provisions of chapter 81 of title 5, United States Code. No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of such title. In no case shall the acceptance of personal services under this subsection result in the reduction of pay or displacement of any employee of the Office of the Architect of the Capitol.

SEC. 504. COINS TREATED AS GIFTS.

(a) DEFINITION.—In this section, the term ''covered grounds'' means—

(1) the grounds described under section 5102 of title 40, United States Code;

(2) the Capitol Buildings defined under section 5101 of title 40, United States Code, including the Capitol Visitor Center; and

(3) the Library of Congress buildings and grounds described under section 11 of the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167j).

(b) TREATMENT OF COINS.—In the case of any coins in any fountains on covered grounds—

(1) such coins shall be treated as gifts to the United States; and

(2) the Architect of the Capitol shall—

(A) collect such coins at such times and in such manner as the Architect determines appropriate; and

(B) except as provided under subsection (c), deposit the collected coins in accordance with subsection (d).

(c) COST REIMBURSEMENT.—Any amount collected under this section shall first be used to reimburse the Architect of the Capitol for any costs incurred in the collection and processing of the coins. The amount of any such reimbursement is appropriated to the account from which such costs were paid and may be used for any authorized purpose of that account.

(d) DEPOSIT OF COINS.—The Architect of the Capitol shall deposit coins collected under this section in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund established under section 301.

(e) AUTHORIZED USE AND AVAILABILITY.—Amounts deposited in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund under this section shall be available as provided under section 303(b).

SEC. 505. FLEXIBLE WORK SCHEDULE PILOT PROGRAM.

(a) IN GENERAL.—Section 1302 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1831 note; 121 Stat. 2242) is amended in the third sentence by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect as though enacted as part of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2218 et seq.).

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BRADY of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I would like to insert in the RECORD at this point correspondence related to the bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 1, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY: I write to you regarding H.R. 5159, as amended, the ''Capitol Visitor Center Act of 2008''.

H.R. 5159, as amended, contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. Specifically, section 102 of H.R. 5159, as amended, establishes a process for designation and naming rooms or space within the Capitol Visitors Center. I write to confirm the mutual understanding of the Committee on House Administration and the Committee on Transportation and Infrastructure that this provision does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure to name facilities of the U.S. Capitol.

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 of the interpretation of section 102 and that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 5159.

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,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 1, 2008.

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

DEAR CHAIRMAN OBERSTAR: Thank you for your letter of October 1, 2008, regarding H.R. 5159, as amended, the ''Capitol Visitor Center Act of 2008''.

I agree that provisions in H.R. 5159, as amended, are within the jurisdiction of the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of H.R. 5159, as amended, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 5159, as amended. Specifically, I confirm our mutual understanding that section 102 of H.R. 5159, as amended, does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure to name facilities of the U.S. Capitol.

This exchange of letters will be placed in the CONGRESSIONAL RECORD as part of the consideration of H.R. 5159, as amended, 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,

ROBERT A. BRADY,
Chairman.

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

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL ON DECEMBER 2, 2008, FOR CEREMONIES AND ACTIVITIES HELD IN CONNECTION WITH THE OPENING OF THE CAPITOL VISITOR CENTER TO THE PUBLIC

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Concurrent Resolution 435 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 Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 435

Resolved by the House of Representatives (the Senate concurring), That Emancipation Hall may be used on December 2, 2008, for ceremonies and activities held in connection with the opening of the Capitol Visitor Center to the public. Physical preparations for such ceremonies and activities shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AND RECOGNIZING ALICE MARY ROBERTSON WHO, WHILE A MEMBER OF CONGRESS, BECAME THE FIRST WOMAN TO PRESIDE OVER THE FLOOR OF THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Resolution 1272 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. 1272

Whereas Alice Mary Robertson was born on January 2, 1854, in the Tullahassee Mission, Creek Nation, Indian Territory, now known as Tullahassee, Oklahoma;

Whereas Alice Mary Robertson was an American educator, social worker, government official, and politician;

Whereas Alice Mary Robertson was the 2nd woman to serve in Congress and the 1st from the State of Oklahoma;

Whereas Alice Mary Robertson was a clerk in the Bureau of Indian Affairs from 1873 to 1879, later returning to Indian Territory and teaching in Tullahassee and the Carlisle Indian Industrial School;

Whereas Alice Mary Robertson established the Nuyaka Mission, taught in Okmulgee, Oklahoma, and was in charge of a Presbyterian boarding school for Native American girls, now the University of Tulsa;

Whereas Alice Mary Robertson was appointed by President Theodore Roosevelt as the 1st government supervisor of Creek Indian schools from 1900 to 1905, and later the postmaster of Muskogee, Oklahoma, from 1905 to 1913;

Whereas Alice Mary Robertson's canteen service to the troops during World War I later led to the formation of the Muskogee Chapter of the American Red Cross;

Whereas Alice Mary Robertson was elected by the 2nd District of Oklahoma as a Republican Representative to the 67th Congress, from 1921 to 1923, serving on the Committee on Indian Affairs, the Committee on Expenditures in the Interior Department, and the Committee on Woman Suffrage;

Whereas Alice Mary Robertson helped secure the building of a veteran's hospital in Muskogee, following the creation of the Veterans Bureau in 1921;

Whereas Alice Mary Robertson became the 1st woman to preside over the House of Representatives on July 20, 1921, when she presided over a roll call vote on S.J. Res. 34; and

Whereas Alice Mary Robertson was a devoted teacher for the Creek Nation and helped the community through her translation of portions of the Scriptures and texts: Now, therefore, be it

Resolved, That the House of Representatives recognizes Alice Mary Robertson for her spirit of service and dedication to her country, and honors her as a great American in recognition of her contributions to the State of Oklahoma and nationwide in the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. LAMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 105) directing the Clerk of the House of Representatives to correct the enrollment of H.R. 6063, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The text of the Senate concurrent resolution is as follows:

S.CON RES. 105

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 6063, an Act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In section 601(b)(2)(A)(iii) of the bill, strike "Orbiter".

In section 611(d)(1) of the bill, strike "first President" and insert "President".

In section 611(e)(3) of the bill, strike "correctly" and insert "currently".

In section 611(e)(7) of the bill, strike "extention" and insert "extension".

In section 612 of the bill, strike "operations" and insert "operational".

In section 1119 of the bill, strike "The Report" and insert "The report".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Advisory Committee on Student Financial Assistance for a term of 3 years:

Upon the recommendation of the Majority Leader:

Ms. Helen Benjamin, Vallejo, California

Upon the recommendation of the Minority Leader:

Mr. Anthony Guida, Pittsburgh, Pennsylvania

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BAILING OUT WALL STREET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Madam Speaker, the American public needs to know that there has been a tremendous amount of discussion about Main Street, about credit for people to get students loans and car loans and home loans and all that, and talk about jobs. But those are all things I support. I think every Member of this body supports that. They recognize we have a deepening recession here in the United States.

But the American public also needs to know that we are going to borrow $700 billion in their name for the bailout package, and not one penny of it goes to any of those issues. It is not aimed at the real economy of America. It is aimed solely at the froth on Wall Street, the speculators on Wall Street, the non-productive people on Wall Street, the certifiably smart "masters of the universe," like Secretary of the Treasury Henry Paulson, who created these financial weapons of mass destruction, and now as Secretary of the Treasury a week ago last Friday lit the fuse by projecting worldwide economic

collapse if we didn't bail out those firms on Wall Street.

I believe there are simpler answers. I just came from a meeting with William Isaacs. He was the head of the Federal Deposition Insurance Corporation. They deal with banks. Mr. Paulson was a speculator on Wall Street. He deals with speculation. He doesn't understand regulative banking. In fact, one of his first big moves 10 days ago was he said guarantee all the money markets in an unlimited way. Know what that did? It took $12 billion in deposits from banks, and they moved over into money markets because bank deposits are limited in their insurance and they pay lower rates of interest. He doesn't even understand this industry. But he understands Wall Street and speculators, and those are the people he grew up with and worked with and dines with and wines with, and those are the people he wants to help, in addition to the fact there is a tremendous amount of pressure being put on by some very powerful creditors, and one of those happens to be the People's Republic of China, who owns a lot of this junk, and they want their money back or they are threatening us.

□ 1800

Now, that's not a good reason to go ahead with this faulty proposal. It does not deal with the underlying crisis in housing. If we don't deal with the underlying crisis in housing—with the foreclosures, with the deteriorating values—when the values drop another 5 or 10 percent and when that next big adjustment comes on March 1, you're going to find there's another $1 trillion in junk securities out there, and we'll have already maxed out our credit, and people will have lost more jobs.

The auto dealers are saying people aren't buying cars. It's not because they can't get a loan. My credit union is giving out loans right now, to anybody who is creditworthy, to go buy cars. People don't have confidence that their jobs are going to be there. Their wages haven't increased. They're worried about the real economy, not the Wall Street economy. This is the problem, this disconnect in this body and particularly in the Senate—which is full of millionaires. You know, that is not going to solve the underlying problem, what is being proposed here. There is a cheaper, low-cost, no-cost alternative.

The Federal Deposit Insurance Corporation should declare an emergency. Mr. Isaac just counseled us on this. It gives them extraordinary powers. They could use that to assess the same guaranty to all bank depositors, to all people in banks, that they did with Wachovia—to all general creditors, not to investors but to general creditors. He said that would immediately free up interbank lending and that it would immediately bring a flood of foreign deposits into the U.S. because we would be a safe haven for banking and for people's deposits, but he is a regulator, a regulator with experience, who piloted this country out of the savings and loan crisis and saved us a bunch of money. He's not a big-time Wall Street speculator who came down here and got appointed by George Bush with three-quarters of $1 billion in his pocket for money he had made in creating these financial weapons of mass destruction. So we're listening to the wrong guy here.

Who believes George Bush? Does anybody in America believe him? Remember the last time there were weapons of mass destruction 1 month before an election, and we got stampeded into a war? They're doing the same playbook here. Don't buy it. Step back. Take your time. Use all of the no-cost emergency powers first. If that doesn't work, then we can talk about some other big appropriation of money, but don't appropriate the money first and give it with unlimited powers to Mr. Paulson.

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.)

IN MEMORY OF DEPUTY ADAM KLUTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Madam Speaker, I rise this evening to honor the life and memory of Adam Klutz, a Caldwell County Sheriff's Deputy.

On September 19, Deputy Klutz was responding to a 911 call. Arriving on the scene of a suspected domestic violence situation, Deputy Klutz was fatally shot.

We send our deepest sympathies to Adam's parents—William and Sheila—and to his entire family. Our thoughts and prayers are with you.

Adam Klutz was mature beyond his mere 25 years. Two weeks prior, two of Deputy Klutz' fellow officers were shot and wounded. Despite being a rookie officer, Deputy Klutz was tasked with delivering the news of the shooting to the wife of one of the wounded officers. Adam's professionalism and compassion in handling such a difficult situation was praised by the officer and his wife, earning Deputy Klutz a letter of commendation.

The letter reads, in part, ''For an officer only having a year and a half of experience, he acted like a seasoned veteran. It was a testament to his character. We should be proud to work alongside Deputy Klutz.''

Five months earlier, Adam came to the aid of a fellow officer who had been injured in a vehicle chase. Hickory Police Officer Vic Camacho said, ''Adam was my guardian angel. The Lord was preparing him to be the best angel he could be, and anybody who knew him knew Adam was the best person he could be.''

Adam Klutz's friends and colleagues remember him as a brave and honorable young man, defined by his service to the community and by his faith in Our Lord Jesus Christ.

Speaking at his funeral, Reverend John Bell of the Philadelphia Lutheran Church said of Adam, ''He lived in a way that touched so many lives. He lived in a way that made a difference. He lived with the understanding that his vocation was a calling and that, through his faithfulness, through his service, he would bring the power of God's kingdom a little closer to people. If you want to honor Adam, honor his commitment to service; honor the strength of his faith.''

This evening, Madam Speaker, I ask that we do just that, that we honor the amazing life of a real patriot, of a real citizen, and that we honor the life and memory of Deputy Sheriff Adam Klutz of Caldwell County.

May God rest his soul.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

(Mr. LYNCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

''NO'' ON THE BUSH-PAULSON BAILOUT PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, for the second time in one week, this House is confronted with a momentous vote on the economic emergency facing our Nation, and it is imperative that we get it right. We must do the right thing. We must vote ''no'' on the Bush-Paulson bailout package. Three days have passed since we rejected that inadequate proposal, but one thing hasn't changed: This is still a bailout for Wall Street. One thing has changed: The cost has increased dramatically. Believe me, if you didn't like the first version of the Bush-Paulson bailout, you're going to hate this one because it's even worse, 22 percent worse.

On Monday, the bailout bill would have cost the American taxpayer $700 billion. Three days later, the bill coming from the Senate is going to cost us $850 billion, driving up our deficit, driving up our borrowing. The Senate drove up the cost of the bailout by 22 percent by adding tax giveaways for special interest groups. America might be facing an economic emergency, but it's Christmas in October in the Senate here in Washington. The Bush-Paulson bailout bill is loaded up like a Christmas tree with ornaments known as tax giveaways for special interests. These

ornaments will make a lot of people rich, but your children, grandchildren and great grandchildren will have to pay for them for years.

When this body, having been rushed to judgment by the President and by our own leadership, rejected the plan on Monday, it was alleged that the House vote was responsible for the Dow Jones Industrial Average's falling by 700 points. So how do we explain the fact that the stock market fell almost 350 points today, the day after the Senate passed the Bush-Paulson bailout bill?

What the stock market said today was heads you lose; tails you lose. America will still have a housing crisis even if the House puts the American taxpayer on the hook for another $870 billion for Wall Street. So don't believe people who tell you that the market is responding negatively to votes against the Bush-Paulson plan. The stock market is reacting negatively to the lack of leadership. The market knows that the Bush-Paulson plan is the wrong medicine. It knows the Bush-Paulson plan will not solve the problems in our economy.

Madam Speaker, the American people have already spoken, and the financial markets are speaking, too. The Bush-Paulson plan, even this porked-up version, is not the solution of the economic emergency facing our country, and that is why the House should not rush to judgment.

This House should stop and take a deep breath and make a commitment to stay in session until we enact comprehensive reform of the financial system and not take a quick vote on a stopgap plan that will cost the taxpayers $870 billion and counting. As I have said all along, we have to have reform first, not last after they take the money.

I know there's a political sideshow underway, and I realize that certain Members face tough reelection battles and that they desperately want to wrap up business here so that they can go back home to campaign. To them, I would say, ''Trust your constituents. They will respect you for staying in Washington to address the economic emergency rather than your running home to shake hands and to kiss babies.''

Madam Speaker, the Senate's response to the House rejection of the Paulson plan was to add more spending. So we got tax breaks for rum. You've got it right. R-U-M. We got tax breaks for mine rescue teams, tax breaks for railroads, tax breaks for automobile race tracks, and tax breaks for wool research. I'm not making this up. They added tax breaks for movie and television productions, 6 pages of earmarks for Alaska for litigation in the *Exxon Valdez* disaster and, the coup de grace, tax breaks for wooden arrows designed for use by children.

Now, our Nation is facing an economic emergency, and the Senate adds a tax break for wooden arrows designed for use by children. One would ask: Children's wooden arrows? Why not the bows, too?

This is surreal. The American people deserve better. It appears that the Bush-Paulson team has failed to sell the country on the merits of a Wall Street bailout, and has decided to buy the package. We saw the same thing here in 1993 when the Clinton administration couldn't sell NAFTA on its merits and, instead, opened the Federal Treasury to buy the votes of enough Members to win passage.

Let's get back to reality, but first of all, everybody needs to calm down. Don't give in to fear and don't give in to panic. We need regular order in this House. We need to be the deliberative body that our system of government envisions and demands.

First of all, this downturn is not—I repeat ''not''—as serious as ever faced by our Nation. In the late 1970s and early 1980s, the conditions were much worse: 3,000 banks failed. Interest rates shot up to 21 percent. Hundreds of agricultural banks failed. In using the powers of the FDIC and their emergency authorities, we worked it out without 1 cent being charged to the taxpayer.

Madam Speaker, I want to thank you for giving me the time this evening. We face a real financial crisis, and we ought to stay here until we resolve it the right way, not the fast way.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is October 2, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,037 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,037 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is October 2, 2008, 13,037 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE RETIREMENT OF CONGRESSMAN DAVE WELDON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes as the designee of the minority leader.

Mr. MICA. Well, thank you, Madam Speaker.

Ladies and gentlemen of the House and my fellow Americans, this is an interesting time in the history of our Republic and in the history of Congress. It is probably one of the most contentious issues and difficult issues I've seen in my almost three decades in the Federal arena.

Tonight, before I get into a couple of comments that I want to make about the situation we have facing us with the financial crisis, I want to take just a minute—and I know some of my colleagues are going to join me, particularly those from Florida—to insert into the RECORD a statement relating to the retirement of one of our colleagues, the Honorable DAVE WELDON of Florida—Dr. WELDON as he is known and also as he is professionally titled.

I've known DAVE since he decided to run for Congress. He is one of, I think, at least 30 individuals on our side—and we have some incredibly dedicated and distinguished Members who have served many, many years in the House of Representatives—who is retiring. It's a little bit of a concern to me. You know, maybe this has become a very difficult job. It's not one for the faint of heart. It's a job to which people must devote all of their time awake—their hours in the days and on the weekends. Sometimes when they say they're going back to their districts on recess, those Members go back and have much more full schedules than we have even in Washington.

DAVE is one of the Members who is retiring, DAVE WELDON. This concerns me. It is going to be a loss to this Congress. Very often, we see people come to Congress from many different backgrounds. DAVE WELDON is the kind of guy who we should encourage others with his qualifications and background to come to Congress.

□ 1815

He is a physician, and he probably can make four or five times as much as he has made in the service to the United States House of Representatives, but he has been in service to our Nation. This isn't the first time DAVE WELDON served our Nation. DAVE was also, besides being a practicing physician and Army veteran, he served our Nation in the United States military.

So on behalf of my colleagues from Florida, I want to thank him for stepping out of his role as a physician. The time he spent since I first met him working with all of us devoted to this institution, if you look at the Space Center and the space coast that he represented, David has always been a tireless advocate to the space coast and the space program.

DAVE, again since I met him, I have watched his children, Katie, and his son, David, grow up over the years of his service. I know the time and commitment he has extended to this House of Representatives, this country, for the good of all people. He is a shining example of the kind of devoted people that we have serving here. His lovely wife, Nancy, again, people have no idea how many days and nights, weekends and occasions DAVE has had to leave his wife and be in service to the House of Representatives.

We are really blessed. The good Lord sends us people like DAVE WELDON and his family who have been devoted to this House for 14 years. And it does make a difference. I know right now everybody is critical of the Congress. And I find people, you know, making hostile remarks about Members of Congress, but they have no idea what a great institution this is. And the people like DAVE WELDON who come here and serve, again, selflessly serve, sometimes leaving their family aside, but always meeting their responsibilities. But DAVE after 14 years is going to leave us, and the House will not have his service or his knowledge.

One of the things I would love to do with DAVE WELDON was listen to him speak. He would come to the floor, and very often there are well-intended folks who talk about subjects, and sometimes they know the subject fairly well and sometimes they have no idea. People expect Members of Congress to know everything, and most of us are generalists when it comes to legislation. And we are also products of our experience.

DAVE is a product of great professional experience and background. The thing I loved about DAVE WELDON, he could come here and talk about issues that are near and dear to my heart. He would talk about medical procedures. We have had debates about abortion and debates about different procedures. Some people sort of talk, again, on sort of their general knowledge. But DAVE WELDON is someone who can and has stood up here in the House of Representatives and spoken from knowledge, experience, from professional medical training, a very smart individual whose talents again we are going to lose.

I hope this isn't the case that the good get going in the House of Representatives because this institution, with all of its flaws, is just reflective of the United States of America. Representatives come, all 435, from all corners of our land. They are reflective of the land, and sometimes we get some exceptional Members like DAVE WELDON who leave, and I am hoping again that this is not the case, that others choose to leave.

It is tough duty, particularly in a time of financial crisis when you pick up the phone and people say I may lose my retirement, my business won't function, my opportunities are becoming limited for financial avenues. But there are folks who do step up to the plate and try to do the best they can.

What is neat is DAVE has been not only a hero for the unborn, but also a hero for the taxpayers. Sometimes when you get through all of this, people think there are a lot of special interests running the place. And sometimes you see again people spending lots of money lobbying Members of Congress and people get disgusted with that process. But I think for the most part, and particularly on the part of an individual like DAVE WELDON, you see someone who votes from his heart and also from his mind and also from his experience and knowledge. That has been a great thing for the House of Representatives.

I will miss DAVE. I will miss some of the others on both sides of the aisle who have been part of this institution and have contributed in a positive fashion. Again, I just come before the House tonight, and I am going to talk in a minute about some other issues, but I see DAVE WELDON has come to the floor. I didn't know whether or not he would be here. But, DAVE, on behalf of the whole Florida delegation, many who will be submitting statements to the RECORD as a part of our tribute to you and thanks for your service, I thank you on behalf of all of not only the Members of the Florida delegation and not just the Republican side of the aisle, but those on both sides of the aisle, I want to thank you for your years of service to your district, the State and the Nation.

I yield to DAVE.

Mr. WELDON of Florida. I will be brief. I want to thank you for rising as you have tonight and acknowledging this time for me, my retirement from the U.S. Congress. It is extremely kind and very nice of you to do this. We couldn't be busier than we are today, and for you, JOHN MICA, to take a moment to acknowledge me and as I understand it, you are also going to say a few words about some of the other retiring Members, I think it speaks very well of you.

I want to thank you for you being my big brother. I got elected in 1994. I came right out of my medical practice. The delegation or Newt Gingrich assigned you to make sure that I would be able to find the restroom and things like that. Of course I am being silly on that point. You gave me a lot of excellent advice on how to be a good servant

of the people. I want to thank you for that.

Certainly I am going to be missing people such as yourself, obviously a man very dedicated to fighting for good Republican conservative principles here in Washington; but really more importantly, American principles of freedom and democracy. So you have been an outstanding role model for me.

There will be a replacement for me in a few short months, and perhaps you can take that new congressman under your wing and provide them continued leadership as you have done in the past.

I also want to thank you for all you have done for the State of Florida on the Transportation Committee. Your work has been very, very helpful to my constituents and I really think to the entire State. So thank you, JOHN MICA, for all you do. Certainly I extend my thanks to your wonderful wife, Pat. It has been great getting to know her over the years. I am hoping this is not good-bye, that I will be in some capacity involved to the degree I will be able to see you and your family in the months and years ahead.

Mr. MICA. Again, we are so proud of DAVE WELDON and to his service to the House of Representatives. He is the first medical doctor to serve from the State of Florida. He is also one of the first Representatives from Florida's east central coast to serve on the Appropriations Committee, and we will certainly miss his presence on that committee.

On the Appropriations Committee, DAVE WELDON served on various subcommittee, including the Science, State Justice and Commerce Subcommittee. He also currently has served on the Labor, Health and Human Services as well as the State and Foreign Operations Appropriations Subcommittees.

DAVE has been a very active advocate for the cause of autism. He has worked also with those interested in finding a cure on cancer, and it is great that we have had a physician to be part of the Cancer Caucus. He is also a strong advocate for renewable energies, and he has been active in that caucus and the Tourism Caucus that is so important to the State of Florida, and the Military and Veterans Caucus.

DAVE WELDON is a veteran, and he is also a member of the Veterans of Foreign Wars Post 453 known as the Rocket Post in Rockledge, Florida. I know they share my pride and everyone's pride in DAVE's service, not only to our country in uniform, but also here in the House of Representatives.

In previous years DAVE WELDON has served on the House Science Committee, the House Banking Committee, and the Government Reform Committee. He was also a member of the Education and Workforce Committee during the 104th Congress. One of his leadership positions has been on the Science Subcommittee on Space and Aeronautics for 8 years. And again, I don't think Florida or our space coast could have a better advocate.

Again, to DAVE WELDON, thank you for your 14 years of service to our Nation. I thank Nancy Weldon and his wonderful two children. We are very proud of DAVE WELDON and his departure from this House will be a loss.

OUR FINANCIAL CRISIS

You know, tonight I want to speak a minute in addition to saluting a leaving colleague to the question of where we are in this country today. I have heard a lot of comments, some pretty rough comments this week, and Members have been under siege on the financial crisis. I respect some who have spoken here. The gentlewoman from Ohio (Ms. KAPTUR) said how important it is that Congress stay here and get the job done. We do face a very serious financial crisis.

We have had several proposals. Of course Mr. Paulson brought one out, and I will talk about those in a second. But I want, Madam Speaker, the people of the United States to know that for all the disparaging comments made about Congress, this in fact is a great institution. It is in fact representative of the people. Sometimes people say that special interests run the place, and I don't see that to be the case. For every issue there is a lobbying side on one side and an equal and opposite lobbying force on the other side. We have seen incredible public concern about legislation and proposals that have been brought by the administration and passed by the Senate. That's interesting because the public actually, I believe, is the biggest lobbying factor.

The Founding Fathers were incredibly wise some 200 years ago to devise a system of having Members run every 2 years, and it doesn't matter who gives them campaign contributions and where they are from, they must listen to the people and be held accountable. They are the only elected Federal officers who must be elected by the people, and they know that.

□ 1830

So the Founding Fathers created a great system 200 years ago. And, of course, we have the Senate, which was the other body which was originally appointed by the State legislatures, and that body has a 6-year term and their own way of doing things.

But this is an incredible institution, our government. And the people who serve are no different than the rest of the population. Of course, we've got a few bad eggs in Congress. And the great part about our system is they get sorted out either by our incredible judicial system, criminal justice system—some of them, I always tell students who come to the Capitol, that they are held accountable and they must—and whether you're a student or you're the President of the United States or a Member of Congress, in our society—and this is the great difference—you are held accountable. If you do wrong, you will be held accountable.

And for the most part, again, I believe that this body is reflective of the population that they represent and try to do the best they can in representing folks.

I have been married for 36 years, and I tell folks that there is not a day that goes by that my wife and I don't disagree on something. Now, usually, she wins the argument. But the House of Representatives is no different. We have 435 very diverse individuals who come from very diverse parts of this great land and come together.

So we have had a very difficult week or two. We face a crises in the financial markets. And as MARCY KAPTUR said, our job is to stay here; it's not to go out and campaign. Our job is to stay here if it means 24–7. And there are many folks that we represent that are hardworking Americans. Some of them triple up on jobs to make ends meet. I did that at one time, had to struggle financially to make ends meet. There are folks who are working day and night to provide for their families. There are retirees who have worked their whole lives and have their savings at stake and their retirement at stake.

But I truly believe that the institution does somehow work its will—and it is amazing with 435 people—and it will work its will.

And I think it's great that people take the time to call. I sat in the office the other night—and we were there quite late—and I picked up the phone and started answering calls during that evening and several times during the day picking up the phone. I have, fortunately, very capable staff who also assist me. Otherwise, I would just be on the phone 24–7. But it was great to hear from people, and that's what this process is all about is this House and this Congress should and must be reflective of people, and that process is taking place right now.

How we got ourselves into this situation is sort of an interesting thing. I heard a number of comments, and I went back to review some of the history. And again, whether we're talking about DAVE WELDON, a medical physician who came here with certain knowledge, we're all a little bit different. I came here. I was in business. I had a small development and real estate investment business activities. I had my own personal experiences with banks and with financial institutions which led me to certain actions.

Part of the reason I think we got ourselves into this—and I will just review some of the history for those who may not be familiar with it—is a bill that was passed after the Great Depression and the bank failures after the depression was called Glass-Stiegel. And that law prohibited banks and financial institutions from making speculative investments, taking depositors' money and investing it in speculative ventures.

In 1999, a proposal came to Congress, and I think under the guise—the name

of the bill was the Financial Modernization Act of that year—they proposed that the provisions on the restrictions of speculative investments by banks and financial institutions be lifted. I thought long and hard about this, and based on my personal experience, I made a decision in 1999 not to vote to repeal those restrictions, again allowing banks to get into some speculative activities.

That was based on my experience, again, in the private sector and in business and some of the development in real estate activities I've been involved in.

I felt that financial institutions, particularly those with depositors' money, should not be in competitive activities or speculative activities competing with, again, folks that they are really set up to provide financial services to.

I was one of a handful of Members, both in the House when the bill came here, final passage some months later, the end, I believe, of 1999, when the Financial Modernization Act passed.

Now, under that guise—again, I think it was another door that opened for folks to, in the banking industry, to put some of the money into more speculative activities and investments.

Now, one of the things that we're going to do next week, and I enjoy my service on the Government Reform and Oversight Committee—that's our investigative committee of Congress—we're going to hold hearings beginning Monday and Tuesday, and I appreciate Mr. WAXMAN calling some of these hearings. We're going to look at the failure of Lehman Brothers, we're going to look at the failures of AIG. And I'm hoping—and Mr. DAVIS, who is our ranking Republican member of that important investigative committee—I'm hoping that he and I can convince Mr. WAXMAN to go further.

Unfortunately, I don't think there was proper oversight of Fannie Mae and Freddie Mac. We saw during the 1990s a movement towards allowing, unfortunately, speculative investments in lowering the reserve under, again, unfortunately, under Franklin Raines, the former Clinton OMB director who became the head of that important agency. There was a change in rules—not a change by law—but a change in rules that allowed them to lower their reserves from 10 percent down to 2½ percent. I think that was another fatal mistake.

And also another fatal mistake that led to the current banking crises was the decision to allow even that agency, which was backing up our mortgages nationally, to get into the subprime area.

So, we had sort of a mentality that we should be allowing banks and financial institutions, Fannie Mae, Freddie Mac, to get into speculative adventures. And the situation, as I recall, we could see the beginning of problems back in 2002.

In 2002, I have to say that one of my colleagues who pays close attention to some of these financial issues—I'm not on the Financial Committee—is CHRIS SHAYS, a gentleman from Connecticut. Chris asked me to cosponsor legislation to bring Fannie Mae, Freddie Mac into some regulatory regime. I believe at that time we were looking at the SEC or something to get a handle on the agency that, again, was backing our mortgages who was going overboard in some of these areas.

Repeatedly, attempts to pass that legislation, to put some curtailment on getting into speculative investments were blocked. This isn't the time to point fingers, but many on the other side of the aisle unfortunately got into stymieing those efforts. No less than some 17 times has this administration brought to the Congress in the last number of years, several years, proposals to deal with regulation. And even back in the time when everyone was focused on terrorism in 2003—and national security and international terrorism were the prime issues—this administration also proposed dramatic overhaul and reform; every time brought to Congress and turned down.

There are some interesting recordings I've seen of some of those hearings. If anyone wants to access them, I have seen them on YouTube. I think that they're very telling of how people turned a blind eye towards bringing this situation under control.

I see my colleague that I paid tribute to, DAVE WELDON, has come out. And I am pleased to yield to him for a minute as I continue this little review of how we got ourselves into this tough situation.

Mr. WELDON of Florida. Well, I thank the gentleman for yielding. I wanted to stay and linger and listen to the direction of your special order here. And I couldn't help but feel the need to come down here and ask you to yield time, and I thank you for doing that.

I sat on the Financial Services Committee from 1996 through to 2002. And one of the first things that was brought to my attention, once I got on the committee, was the concern that many of us had on the committee about the rapid growth of Fannie Mae and Freddie Mac, the two very, very large government-sponsored entities—they call them GSEs. It was sort of a mongrel creation that was somewhat free market, selling stocks and bonds. And then, nonetheless, it had a Federal backing to it creating an impression that it was an arm of the Federal Government.

And the concern was, essentially, that it was not a properly regulated entity. There was this very small agency within Treasury called OFHEO, which was given the responsibility, very small staff, very limited number of examiners, to monitor these two gigantic entities that had assets into the trillions—not billions—but trillions of dollars. And the concern that many of us, many of the Republicans had on the committee was that if one of these entities had significant problems, that it could be a major, major hit to our economy.

And we got tremendous resistance from the left, from the Democrats. They were telling us there is nothing wrong with Fannie and Freddie. Indeed, what I found to be particularly objectionable whenever we would bring up the thing that we were most concerned about, which was giving loans to people who had limited ability to pay back their loans and the potential systemic effect that that could have on our economy, we were accused of being racists. And low and behold—and thank you for mentioning President Bush.

President Bush repeatedly brought bills forward saying Fannie Mae and Freddie Mac represented a significant risk to our economy and that we needed to regulate them better. Of course, the President was rejected by the other side of the aisle in his initiatives, and you can never get anything like this through Congress if you can't get Democrats in the Senate on board because of the cloture rule over there. So we were essentially never able to really move forward in this.

And low and behold, it was discovered in 2004 there were significant problems with fraud, abuse, executives getting—cooking the books, getting huge multimillion dollar payoffs. Some of these—a lot of these people were former Clinton administration people. And then low and behold, we come to today where we have this huge meltdown in the real estate market and the Federal Government literally has to step in and take over both of these entities.

And the important thing that is worth mentioning, we now have a credit crisis, and the reason we have a credit crisis is we have all of these banks holding stocks and bonds in Freddie and Fannie, a lot of it which is now worthless, and so they're seeing their balance sheets very negatively affected by that. And banks, of course, lend out money on a 10–1 ratio. For every $1 of deposits they have, they can loan out $10.

□ 1845

They're seeing hundreds of millions of dollars of their holdings in mortgage-backed securities collapsing in value, and so, therefore, of course, we have a systemic credit crisis and, as a result, one of the toughest economic times that we've had in years and years and years, and a lot of it goes back to failure.

And I really appreciate the gentleman doing this because there were many Republicans on that Financial Services Committee, and I was one of them, who wanted to get better regulation, strengthen OFEO so that they would become a better regulatory agency and actually reduce the size of Fannie and Freddie.

And I will say this, those two entities should never be allowed to be resuscitated. The good assets they have

should get sold off to private investors. The money, the revenue that comes in from that should be used to repay the taxpayer for the lost taxpayer money that's going to result from us having to bailout Fannie and Freddie, and they should never be allowed to occur again.

I'm all for helping lower-income people who have the resources to pay for a mortgage to get into a mortgage, but we shouldn't be doing it to the extent that we did do, and the result now is some of the economic problems we're having today.

So thank you, JOHN MICA, for bringing this up. This is an important issue, and I again applaud you for your work on the Government Reform Committee because I know you have been working this issue as well for years.

Mr. MICA. Well, reclaiming my time, I do thank my colleague DAVE WELDON for his comments and also for his institutional recollection. And that's something we're going to lose with him departing from the Congress, and that's why it's so important—and I know people think there should be a turnover in Congress, but it is very important that we keep people here who have been through some of these hearings, heard some of the so-called song-and-dance and get sort of, as Paul Harvey says, ''the rest of the story.''

But DAVE WELDON brought up several points. First of all, again, with Mr. DAVIS, the ranking member, I intend to ask that we, our committee, Government Reform and Oversight, conduct extensive review of all those who walked away with hundreds of millions of taxpayer dollars. We need to start with Franklin Raines, the former OMB Director under the Clinton administration, who headed up the agencies that, again, DAVE WELDON spoke about, Fannie Mae and Freddie Mac. And I am told that just Mr. Raines alone walked away with $100 million. I know there have been some proceedings, and he got a slap on the hand, but Mr. Raines had accomplices in the cleaning out of that agency. Not only did they inflate, as I understand it, their returns so that they could get huge bonuses, but they were only slapped on the hand for their misdeeds, and now some of their misdeeds are becoming the responsibility or the potential responsibility of hardworking Americans who are going to have to pay for that.

So I will demand hearings, and we will find the individuals that allowed themselves to take advantage of these agencies and these activities and walked away with tens of millions and left us in the straits that we are in today.

Additionally, again, I think it's important for folks to know that some of the changes that were made, again, back in the 1990s with these agencies were to encourage homeownership. If I came to the Congress 4 years ago and gave a speech that said that people with limited incomes, people from certain areas of the community that may be blighted shouldn't get loans, or if I said we should limit the amount that we would lend to folks, there would probably be an outcry.

And what we saw was the creation of financial instruments, and we now know them to be called subprime, which assumed again some of the debt and responsibility, and these mortgages ended up being cast throughout and interwoven throughout our entire financial system and assumed as solid assets or assets that had some value.

Many of them may have value, but my point here is that the Congress and others in different administrations also encouraged homeownership. No one called for a breaking of loaning to marginal borrowers, and so this situation that we're all familiar with now was created. And we do have a responsibility, one, to hold people accountable who made errors not only in judgment but also fudged their books and walked away with huge amounts of profits, commissions, and salaries.

I know that everyone's concerned about the $700 billion that is proposed by Secretary Paulson and also passed by the other body, and they've tried to say that folks who took advantage of the situation previously should not actually have an opportunity in the future to participate. And I think there's no question that that restriction has to be placed there, but I think what's even more important is to make certain that those responsible for the situation we're in are held accountable, the people that, again, ran away with hundreds of millions of dollars and fled with the commissions and bonuses.

And I, again, will call on the Chair of the Government Reform and Oversight Committee, Mr. WAXMAN, and I think Mr. DAVIS will join me, in asking for those additional hearings and to hold those people's feet to the fire.

Again, we have gotten ourselves into a difficult situation. We have interwoven into banks and financial institutions these subprime instruments and paper. Suddenly no one wants to trade them. The value is a zero on balance sheets. We do have a credit crisis in the country.

I took some time to review how we got ourselves into this mess and tried to outline it as objectively as I could and what occurred, and we have pretty good documentation for what I offered here tonight and also for what Dr. WELDON offered here tonight.

The question now is how we work ourselves out of the mess without leaving the taxpayers at bay. I represent tens of thousands of hardworking folks, and every day they're doing their job, raising their family, going to work, paying their taxes, paying their mortgage, paying their bills, and now I'm being called on as a Representative to ask those folks to subsidize someone's bad judgment, bad investment or risk that they took, or someone who made bad decisions that allowed people to produce that now worthless paper.

I might say that that paper is not necessarily worthless. Some of it may not have any value. Some of the borrowers may be deadbeat, the properties may be defunct, but there are many properties that will have value, and there are people who do pay these loans. And what I believe the Congress has to do is work to get the credit market back in order to establish some value for paper that does have some value, and some of that subprime does have value.

I was the chairman of the Aviation Subcommittee during the 9/11 terrorist attacks, and I recall the responsibility I had as chairman to try to bring some order to the financial stability of our aviation industry. Today, we're some 7 years away from that horrendous time when the entire industry collapsed, planes were halted from flying, markets totally ran away from the aviation industry, airlines.

And I look back on the history of that. In 11 days, working in a bipartisan manner, we were able to get to the President a bill that helped stabilize the finances for the industry. Most people don't know this story. We didn't provide loans. We didn't provide direct cash, although, we did pay airlines for auditable damages that were done by failure of the United States Government in protecting those aircraft. And I think that also stemmed a lot of the potential for suits and carrying the results of that disaster and terrorist attack on.

But what we did was we provided loan guarantees. We had about $10 billion worth of loan guarantees, and we required also very tight parameters in which those loan guarantees would be granted.

It's interesting that about 2 months ago every one of those loans—now, several of them were rescheduled but every loan was paid back. The taxpayer made $323 million, a third of $1 billion, and the fund was closed out.

It would be my hope that whatever measure we take—and I would prefer either backing with insurance or with some guarantee that paper that's there. Quite frankly, I do have a problem with the Paulson proposal. The Paulson proposal the Secretary brought us initially was to give us $700 billion and we'll buy these mortgages up, this bad paper or this paper doesn't that have worth right now, and sort of trust me.

Now, the House of Representatives, again being reflective of this Nation, did not want to allow that to happen, and we saw a vote in this House that did not allow that to happen. There were modifications and some protections and some improvement from the Paulson original proposal. The Paulson proposal was number one.

The measure voted on in the House, at the insistence of many of my colleagues on my side of the aisle to improve the package, was proposal number two.

I don't know if proposal number three will make it or not in a vote that we may have here in the House tomorrow. I think we're going to. I have not

seen all the details of it, and I hope to tonight before I cast my vote.

But, again, we have to think of the people that we represent out there, hardworking folks who have met their obligations. Some of those folks are retired and want their retirement funds secured. Some of the folks I represent are businessmen and -women who are having trouble getting credit, expanding business or even meeting payroll. So we do have an obligation to do something, but that should be based on a sound plan.

Again, I would prefer some sort of insurance backing or guarantee backing by the government for those instruments to give them some value, and if they have value, then they can be assessed on the balance sheets of all those who are holding them, and also for that guarantee or for that insurance, the lenders or those who have acquired that paper would have some financial obligation.

□ 1900

That obligation and money could be pooled and also help absorb any losses for bad investment or bad paper. That would be my approach. I'm one of 535; I don't necessarily get my approach. I'm not sure I'll get that opportunity to vote on that proposal.

But any proposal that we do have, in my judgment, will be based on how it treats the taxpayer and the person who has met their responsibility, not the individuals who have taken advantage of the system, who have taken business risks or investment risks or gone beyond what should be reasonable caution with investment of either their depositors' money, their investors' money, or, in this case, if we give it to them, taxpayers' money or backing.

I know the House will work its will. We've had tough times in the United States. The Congress has always risen to the occasion. And as I said, this is a great body. People, again, have been very critical of it this week, but it is a system that does work, that does allow for debate, does allow for opportunity to participate. And the public, each one of the public who have called my office or other offices to express their opinion are also participating in the development of hopefully what will be a positive outcome here. Do we know if whatever we pass will work or what I suggested will work? I don't know. You do your best. And I think people will try to do their best when we have that vote here tomorrow. But again, I think that if we all calm down, approach this from a rational standpoint, from a business-like and commonsense standpoint, and also for the true benefit of those people we represent, the American taxpayer, the American citizens across our great land.

And finally, I believe that there isn't any challenge that we can't tackle. While everyone is focused on the financial challenges that we face and the credit crunch crisis, I'm very pleased that I learned today that the President intends to sign the first Amtrak Reauthorization bill in 11 years, which also has a Rail Safety bill incorporated in it.

I've been the harshest critic of Amtrak. I've ordered more investigations and Inspector General reports, GAO reports of Amtrak; not that I oppose passenger rail service, I think it's needed in this country, but I had problems with the way our government—I call it ''Soviet-style'' Amtrak—operation ran. And, unfortunately, for many years, 11 years now, Congress has given Amtrak money without setting policy and parameters and reforms that are long overdue.

I'm pleased that, as the Republican leader of the House Transportation Committee, myself, Mr. SHUSTER, the gentleman from Pennsylvania, our ranking Republican member, Ms. BROWN, the Chairwoman from Florida of the Rail Subcommittee, and Mr. OBERSTAR, my Democrat counterpart, the chairman of the T&I Committee, Transportation Infrastructure Committee, did work in a bipartisan fashion. We took Amtrak apart. We included reforms that are long overdue. We have opened the door for historic participation by the private sector in developing, financing, constructing, and also operating—for the first time across our country, where it makes sense and where it can be used in some 11 corridors that have been designated, high-speed rail. One of Mr. SHUSTER's ideas was to take some of the money-losing routes, put them up for private bid competition, which is also included in the legislation that's headed for, we hope, the President's signature soon.

We saw the opportunity to expand passenger rail service because our Nation is facing an energy crisis, and there is no better way to move people. Unfortunately, the United States has become somewhat of a third-world country when it comes to rail passenger service and we have no true high-speed rail service, passenger service in the United States.

So within that legislation we've incorporated dramatic changes, some opportunities for expanded service with partnerships, not with the Federal Government paying the whole tab, with a set out formula for participation; and again, expecting some accountability from the investment that we're making in passenger rail service in this new legislation.

Finally, in that bill, we did incorporate some needed rail safety measures. One of those measures relates to positive train separation, trying to get technology where we have passenger service that's mixed with freight lines and have the latest technology to ensure that we don't have a repeat of what we saw in California with the loss of lives several weeks ago. That was a horrible accident that possibly could be prevented. And by 2015, according to this legislation, with a little bit of help from the Federal Government, our freight and passenger partners—many of them who provide public transportation—will make certain that they have the latest safety train separation equipment in place. Also in the bill are other measures to improve safety; crossing improvements and rail safety inspections that will be enhanced.

So I think when you hear some of the bad news—Congress can't get it done, Congress doesn't do its work, you guys up there just don't have a clue—there are many things happening that are positive, that are done in a bipartisan fashion.

Now, the story I just told you, the story about the aviation so-called ''bailout,'' that won't be in the paper tomorrow. No one wants to print those stories; they want to print the story that the Congress is not doing its job, Congress is not acting responsibly, Congress is in a fight and this one is calling that one something. That's not what it's about. Sometimes that does occur, and probably in this Chamber. If we look at the history, they've almost had some duels and fisticuffs in the past and some very harsh language exchanged. But it is, again, a reflection upon our society, upon human nature. And these are all human beings, with all their pluses and minuses; for the most part, they're good folks and they do their best to represent people across this great land.

Finally, again, I just want to say that, in my years of service here—and I'm kind of unique in the Congress in that my brother served here as a Democrat Member, I'm a Republican, we're the only two brothers or siblings to serve here since 1889 from different parties, but we've seen it on both sides of the aisle, so to speak. But you do see the magnificence of the structure and the system created by our Founding Fathers, and it somehow does work. It probably shouldn't work with all the diversity of opinion and people and places and folks that they represent, but it does work, and that's what has made it a great Nation. And the Union has prevailed, even in some very difficult times.

So if it requires 24/7, if it requires us staying here through November, December, we need to get the job done for the American people and for the opportunity for those who come behind us, our children and our grandchildren and future generations, to have, again, the same opportunity that we've had.

So I'm sorry I can't come tonight and just condemn everybody and throw bodies around and create some difficulty that would set the House on fire, but I thought it would be better to come tonight and talk a little bit about the greatness of the institution and the ability of the Members that are here to solve any task that confronts them and do it in an honorable fashion.

So those are my comments tonight. I came originally to honor one of those Members from the Florida delegation that's leaving, Dr. DAVE WELDON. There are many others that are departing of their own volition, there are

some that will be taken out by the voters; but they all, in my estimation, have done their best to serve their representatives, each and every one of them, in their own way.

So with that, Mr. Speaker, could I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. PERLMUTTER). The gentleman from Florida has 3 minutes remaining.

Mr. MICA. Well, again, with that, Mr. Speaker, I do conclude my remarks and thank those of you, Mr. Speaker, and my colleagues who have listened tonight. And I thank the American people for the trust they place in this institution, and once again reassure them that this is a great Congress and a great country, and we will do the right thing. Sometimes it takes one or two times to get it right, but we'll be there.

FURTHER MESSAGE FROM THE SENATE

A further 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. 7222. An act to extend the Andean Trade Preference Act, and for other purposes.

The message also announced that the Senate has agreed to, with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 440. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The Chair lays before the House a privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, October 2 (legislative day, September 17), 2008.

Resolved, That the resolution from the House of Representatives (H. Con. Res. 440) entitled ''Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.'', do pass with the following amendments:

1. On page 1, line 3, strike ''from Monday, September 29, 2008, through Friday, October 3, 2008,''

2. On page 2, line 2, strike ''that'' and all that follows through line 9 and insert ''the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution.''

3. On page 2, line 15, strike ''time'' and insert ''respective time''

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, many things are going on in our country tonight and this week, and the Congress faces difficult decisions. But the death of a son or daughter, a family member, all these other things can pale in the tragedy that encounters many families across this country.

Tonight, I want to recognize the month of October as ''National Domestic Violence Awareness Month.'' Most years that I've been in Congress I have come to the floor in October to try to raise the awareness of the death and violence that occurs in our homes across America. I think significant progress has been made in calling the attention to domestic violence and helping victims and families recover from abuse; however, so much remains to be done because senseless acts of violence are still taking place in homes and communities across America.

Tragically, I was reminded of the need for greater efforts to combat domestic violence this past July when tragedy struck in my home State of Kansas. Tonight, I'd like to share with you the story of Jana Lynne Mackey.

On July 20, 1982, Jana was born in Harper, Kansas. Jana was raised primarily in my hometown of Hays, Kansas, where she was an active member of 4–H, an athlete, and a very talented musician; but most of all, she was a vibrant and caring young woman who fought for those whose voices would not otherwise be heard.

Following high school graduation, Jana completed a bachelor's degree where she discovered her passion, advocating for those who needed her help. She went on to pursue a law degree at the University of Kansas with the goal of using that education to further the cause of others.

Jana tirelessly fought for equality and social justice through her many local and national organizations that she belonged to and worked for. She was an active volunteer in the Lawrence Safe Center, a facility that aids victims of sexual assault and domestic violence. But on July 3, 2008, Jana's body was discovered in an ex-boyfriend's home. Her own promising life prematurely ended at the age of 25 by an act of domestic violence.

All too often, we think domestic violence doesn't occur in our own communities or to people that we know or families that we care about, but Jana's story is evidence that no State, no community, no family is immune to the far-reaching presence of domestic violence.

□ 1915

Domestic violence is a problem that does not discriminate on race, gender, age group, education, or social status. It wreaks havoc on our increasingly stressed health care network, our overflowing criminal justice system, and, of course, on our daily lives.

Domestic violence continues to impact communities in Kansas and across America. Each year nearly 4 million new incidents of domestic violence are reported in the United States. Of those 4 million cases, nearly 100,000 Kansas women fall victim to domestic violence each year. Each day in America, over 53,000 victims receive care through domestic violence programs, the programs that Jana volunteered and advocated for.

Despite the harsh realities, there is hope for tomorrow. It's my belief that with continued education, resources, and support, the victims of domestic violence can overcome their condition. In the 69 counties I represent, it's the same belief that maintains and encourages the nine domestic violence centers in that district. These agencies are vital to our communities as they raise awareness, advocate for victims, and provide support to those victims with resources and the care they so desperately need.

Jana made a greater impact in her 25 years than many individuals do in a lifetime. And while Jana's story is tragic, her example is a lesson and an inspiration for all of us to be more active in the fight against violence. This is why her family started the 1100 Torches campaign.

At Jana's funeral 1,100 people were in attendance, which indicates the magnitude of the impact of her live on others. In the aftermath of her death, her mother, Christie Brungardt, and her stepfather, Curt, along with family and friends launched the 1100 Torches campaign to serve as Jana's call to action; that despite our personal politics, we can make a difference in the world and in turn make it a better place to live. It is the campaign's hope that through Jana's story, 1,100 people will be inspired by her to serve others and to make a difference in their communities. I encourage my colleagues and all Americans to learn about Jana's story and the impact of domestic violence by visiting the 1100 Torches campaign Web site at www.1100torches.org and by learning more about this issue in your local community.

We're making progress and drawing attention to domestic violence this month in October; yet this problem continues to impact our communities and their families. We must not forget about those violent crimes that destroy homes and families and devastate lives. This October let us remember the victims of domestic violence and learn from their courage as we do our best to ensure that our communities are safe places to live, to work, and to raise our families.

Mr. Speaker, I ask for continued support and assistance of domestic violence prevention programs, and tonight I pay tribute to the young life of Jana Mackey.

AN ANALYSIS OF THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. KUCINICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. KUCINICH. Mr. Speaker and Members of the House, tomorrow this House of Representatives will take a momentous vote. It is a vote which will determine whether or not this House will be able to meet the needs of millions of homeowners who are facing foreclosure or whether or not we are simply going to go along with a $700 billion bailout to America's banks and to Wall Street, which has searched that somehow these benefits are going to trickle down.

We know that the Senate took action to pass its own version of the bill, and we in turn will have the opportunity to vote on that Senate version. I want to share with my colleagues an analysis of the Senate bill so that when we come to vote on it, we know exactly what this bill will not do.

In the bill that will be presented to the Congress, there are no stronger protections for homeowners and no changes in the language to ensure that the Secretary has the authority to compel mortgage services to modify the terms of mortgages. Now, this is significant because, as many economists agree, the central focus of the unraveling of the economy has been with people not being able to pay their mortgages for a variety of reasons. And when that happens in millions of homes, that has a percolating effect. It affects the banks and it affects Wall Street. You would think that given the fact that this is the underlying problem that we would be considering a bill that would directly address dealing with the terms of the mortgages. But this bill doesn't do that.

Let me tell you why this becomes very significant. I come from Cleveland, Ohio, a city which has been at the epicenter of the subprime mortgage crisis. But as we know, with the subprime mortgage crisis comes an entire range of bankruptcies, but also other properties start to get pulled under in terms of their value.

There is a neighborhood in my district called Forest City Park, Mr. Speaker. It is an area that I'm quite familiar with because my political career, which goes back 41 years, has had a lot to do with Forest City Park. It's a community where they had a very long-lasting civic association that came together in support of each other keeping up their community and in property. People met to improve playgrounds, to improve streets, to improve parks and properties. And people came together in a kind of sense of joy that people in communities have when they share a common goal and a common interest. And Forest City Park was one of those neighborhoods, like many neighborhoods across this country, where people took pride in their property, where people spent their whole lives trying to improve their property, and their property was their biggest investment.

Mr. Speaker, if you were to come with me to the Forest City Park area, there are still homes that are being kept up. There are still people who sweep their doorstep every morning and who even clean the streets on their own. But the good part of the neighborhood has been inundated and caught up in this subprime mortgage crisis. House after house after house has gone into foreclosure. House after house after house is being boarded up. Fires are starting in neighborhoods, taking up some of these properties that were once the pride of the community.

Now, we know how this subprime mortgage crisis started. We know it started with speculation on Wall Street where they created derivatives that came from groups of mortgage-backed securities. We know that property values were inflated deliberately, that people desperate for a home were told that they can get their home without any documentation, just sign on the dotted line. The value of it was inflated so Wall Street firms could have inflated assets on their books and then keep trading and trading and trading them, and then when property values started to drop, when there was an economic slowdown, people couldn't pay their mortgages, everything became unraveled. How many people's dreams were destroyed? Well, in Forest City Park there were many dreams destroyed. There were many people who saw a life's work disappear because of the lack of regulation.

And today they and millions of Americans like them look to Washington to try to say what are we going to do to help people who, through no fault of their own, are caught up in a colossal economic machine which has ground to a halt, putting its full physical pressure on the people at the great margins of our society and people in the middle as well? Millions of homeowners are looking to us. And yet we come up with a bailout that doesn't offer the homeowners anything. Over 300 pages of tax cuts and tax breaks that have absolutely nothing to do with the housing crisis at the center of this financial storm.

My colleague Mr. POE earlier in the day outlined some of the tax breaks: tax breaks for litigants in the Exxon Valdez incident, wooden arrows used by school children, tax breaks and earmarks for auto racing tracks, wool research, the Virgin Islands and rum. Now, maybe we could argue that some of those breaks in and of themselves ought to be considered. But why would they be in a bailout bill? The Senate expects us to consider and pass a bill we have already defeated merely because they have added millions of dollars of tax breaks that will strain the Federal budget even more.

So let me recap. We are coming back with a bill that has no stronger protection for homeowners, no changes in the language to ensure that the Secretary has the authority to compel mortgage servicers to modify the terms of mortgages, over 300 pages of tax cuts and tax breaks that have absolutely nothing to do with the housing crisis at the center of the storm, and, get this, no stronger regulatory changes to fix the circumstances that allowed this to happen.

How did it come to be that we could see this condition occur where speculation ran wild on Wall Street and yet the very agencies that ought to be watching it have had nothing to do with stopping it? The cop at the Securities and Exchange Commission walked off the beat, did not restrain firms that they knew were speculating with derivatives to a factor of 30 and 40 times. How could this happen? How could the Federal Reserve, knowing that banks were up to their ears in these financial instruments, not look to see how that might threaten the underlying financial stability of a bank? They walked off the beat. And so it comes to this Congress to decide what to do.

The thing about this that I think is the most vexing is this condition: that our government, which is already trillions of dollars in debt, in effect is going to have to borrow $700 billion from the banks, with interest, to give the banks a $700 billion bailout. Where are we going to get the money? We're not cutting $700 billion out of the budget; we're going to borrow the money. And when we borrow the money to give to the banks, the banks in return will give us their toxic debts.

We are being told this is the only way we can solve this financial crisis. Whom are we solving this crisis for? Are we solving it for homeowners? Obviously not. We're solving it for speculators. We're solving it for foreign investors because what we find out is that, as Brad Sherman has pointed out, hundreds of billions of dollars in this bailout will be used to buy toxic assets currently held by foreign investors. How did we get to this situation?

Under this bill the administration can buy any asset from any financial institution for any price. For those of you who are thinking this is going to bail out U.S. businesses, think again. We can have banks from all over the world scouring, scouring their financial ledgers, looking at their worst debts, and then they're going to send them over to the United States, and then the taxpayers of the United States are going to pay for them.

This bill should have had a provision saying that the Treasury can only buy assets proven to come from an American investor. That way it's about America. This bill should have something about taking care of America first.

□ 1930

We are not even taking care of America's investors first. We are not even taking care of America's speculators first. We are not taking care of America's homeowners first. This is about foreign investors. Is our economy so weak that we can't stand up, solve our problems here at home, or is it that we are so heavily leveraged, that foreign markets have such control over us, that they can force this Congress to pass a bill to help bail them out?

Foreclosures are devastating our communities. People are losing their jobs. The price of necessities is skyrocketing. This legislation, just like the one that we defeated a few days ago, will do nothing to solve the problems plaguing American families or help them to get out from under the oppressive debt that they have been forced to take on.

We have demanded language in the legislation that would empower the Treasury to compel mortgage servicers to rework the terms of mortgage loans so homeowners could avoid foreclosure. Owning a home is at the center of the American Dream. The American Dream is threatened here. The American Dream is under attack. The American Dream needs to be protected. The American Dream needs to be restored. The American Dream needs to get some life in it from this House of Representatives. Yet, the American Dream is going to have to wait another day.

We are told that if this passes, the market may go up. The market went up 485 points a day after we defeated it. But we are told that if this passes, the market may go up.

Let me tell you what is not going to go up. The hopes of America's homeowners. Because nothing is done for them in this bill. So who's going to tell the widow whose husband may have worked a lifetime to assure them a piece of property, which got into trouble because maybe she did a reverse mortgage, who's going to tell her that there's nothing in this bill for her?

Who's going to tell the laborer, who has worked day in and day out, working himself and his fingers to the bone, and where he is behind in his mortgage payments, and the bank is telling him, No, you can't give me $500. I want the whole $1,200 or we are going to go into foreclosure. Who's going to tell them that there's nothing for him in this bill?

This is a sad day in our Republic when we see the most pressing needs of the American people sacrificed to the speculators on Wall Street. And, of course, there is another dimension to this debate, and that other dimension deals with the free-market economy. What in the world are we doing here, where we are basically interfering in the market with a $700 billion investment, and suddenly we are telling all these speculators, Don't worry about it. The government is going to use the American tax dollars to ensure your risk.

The whole basis of the market, as all of us know, has to do with risk. You invest; it is a risk. There's nothing guaranteed. And so we are telling people who are in the market, particularly those who are in the market for billions of dollars, Go ahead and take a risk. Uncle Sam will back you up. Well, if we can tell that to the speculators, why can't we tell that to America's homeowners when they are not betting.

If someone goes to Las Vegas and bets the ranch, and loses the ranch, the casino didn't give them a new ranch. Speculators bet the ranch. And we are going to help restore their position with this legislation.

We are told there's a crisis in liquidity. We have been told by Bill Isaac, the former head of the Federal Deposit Insurance Corporation, that it's not the liquidity problem that is said to exist. That in fact banks don't want to loan to each other because of this psychology that is going on in the marketplace. They are afraid that other banks are going to go down. This is the United States of America. We should have the power to deal with this.

Ireland. Ireland. Ireland, the historic home of my mother's side of the family. Ireland figured out that they put the full faith and credit of Ireland behind the bank deposits, and they stabilized their economy. No one is losing any money.

We need innovative approaches here. We don't have them. What we have is a reward for speculation. The free-market economy, that whole idea is being shredded with this hand of the government moving in.

Now, people will say, Well, what is your plan? My plan is this. Number one. That we must have legislation that has an approach of dealing with the problem at its base. Helping the millions of homeowners. You help the many and the few will benefit. You help the few and the many will not benefit. We all know this. Trickle never gets down.

We also know this. If we can introduce a bill that can say that we can give Treasury or the FHA the ability to buy a controlling interest in these mortgage-backed securities, and work out something for the homeowners, we can have a whole new condition where the government goes to work for the homeowners of America.

Franklin Roosevelt understood the importance of coming forward with the New Deal plan that helped resurrect this country's economy. We can solve this problem of the homeowners. It could be that we create a new Homeownership Loan Corporation. But whatever it is, we have the ability to do it.

I am here to offer what I call a recovery plan for Main Street. And here's how we can prime the pump of this economy. We can prime the pump of the economy, number one, with health care for all. Insurance companies make money not providing health care. As the coauthor of H.R. 676, a universal, single-payer, not-for-profit health care system, Medicare for All, I understand that millions of Americans want health care that is accessible and affordable. Medicare for All will help businesses, large and small; will create jobs, as well as save the jobs of thousands of people, including those of doctors, nurses, and health care workers, who are currently leaving medicine because it is run by insurance companies.

One dollar out of every $3 of the $2.4 trillion spent annually in America for health care goes to the insurance companies. If we take that money, $800 billion in unproductive, wasteful spending, and put it directly into care, we will have enough money to cover everyone. We are already paying for Medicare for all, but not receiving it.

This is the way you get an economy going. This is the way you move money in the economy. Not only help people restore their homes, but also help people get the health care that they need.

Another way that you start to move money in the economy is through a prescription benefit for seniors. H.R. 6800 is the MEDS Act, which provides a fully paid prescription drug benefit under Medicare for all seniors. I wrote this bill to help alleviate the economic pressure that comes from the high cost of prescription drugs.

We can pay for it by letting the government negotiate drug prices with the pharmaceutical companies the same way that they do with the Veterans' Administration. We can also do it—pay for it with reimportation.

The third thing we can do that can help the American economy is to stop the oil companies from price gouging. I was one of the first ones to step up and challenge the corrupt price gouging and market speculation of the oil companies by proposing a windfall profits tax on oil and natural gas companies, with revenues put into tax credits for the purchase of fuel-efficient American-made cars.

However, it may be that nationalization is the only way to put an end to the oil companies' sharp practices. I mean, after all, we are nationalizing one of the largest insurance companies, with AIG. We are helping to nationalize the stock market and a lot of banks. Why don't we go for the gold, where the big money is, and nationalize the oil companies and then take the profits and give it back to the people so we can take a whole new direction in energy and not be strapped any more by these oil companies.

The fourth policy that I believe will help with the Main Street recovery plan deals with protecting the American homestead. As chairman of the Domestic Policy Oversight Subcommittee, I am working to protect people's basic right to have a roof over their head, whether as an owner or renter. It was my subcommittee which investigated and exposed the manipulation of mortgage markets. I am working to craft a new Federal policy so that neighborhoods with the highest

number of foreclosures can get the most help.

The fifth thing we can do to restore our economy is to have a program of Jobs for All. We know what Franklin Roosevelt did, the old New Deal economics, jobs for all, a new WPA program. That Jobs for All program, with the cosponsorship of Congressman LATOURETTE is a bipartisan New Deal-type jobs program that rebuilds America's infrastructure. It would create millions of good-paying new jobs, rebuilding our roads, bridges, water systems, and sewer systems.

The sixth thing in a plan to restore the American economy—there's an alternative to this bailout—is to have an American manufacturing policy. I am drafting legislation calling for an American Manufacturing Policy Act that, for the first time, will state that the maintenance of steel, automotive, and aerospace, is vital to our national economic security, and must be maintained through an integrated public-private rebuilding of our roads, bridges, and water systems.

I am calling for a new plan for Main Street under a Works Green Administration. It's the WGA turned into an environmental program where we focus on restoring the planet. This is one in which the government creates millions of jobs by incentivizing the design, the engineering, manufacturing, distribution, and maintenance of millions of wind and solar microtechnologies for millions of homes and businesses, dramatically lowering energy cost and reducing our dependence on oil.

We need a new trade policy, and that is the eighth plank in a plan that restores Main Street. And that is what we should be talking about here. But that is not what the bailout does. A plan that restores Main Street says we have to have fair trade. It must mean the end of NAFTA. This country has lost millions of good-paying jobs, and more jobs have been outsourced.

We must have education for all. That is the ninth plank. That is why I introduced H.R. 4060, a universal prekindergarten program to ensure that all children ages 3 to 5 have access to full quality day care.

We have to protect pensions. I am working to change bankruptcy laws so pensioners' claims will be first ahead of the banks, and that corporate executives who misuse pension workers' funds are subject to criminal penalties. We have to strengthen the Pension Benefit Guarantee Board.

Before I give the final six points in this, Mr. Speaker, and yield to my friend, Mr. SHERMAN, I'd like to ask the Speaker how much time is left.

The SPEAKER pro tempore. The gentleman from Ohio has 35 minutes.

Mr. KUCINICH. I am going to yield 5 more minutes to myself, and then go to my good friend, Mr. SHERMAN, for as much time as he may consume.

□ 1945

Let it be said that there are other options here to stimulating the American economy. I just named 10 different points, and I am going to name an 11th.

We have to protect Social Security. From my first moments in Congress when I exposed Wall Street's efforts to privatize Social Security and attacked it in our own Democratic Caucus when privatization was being proposed, I have watched this effort at times to privatize Social Security.

Imagine if we had privatized Social Security. Imagine what happens when the market goes down and people begin to lose the only guarantee in some cases anyone has. We have to protect Social Security. It is rock solid through the year 2032 without any changes whatsoever. Protecting Social Security must be part of a plan to keep Main Street solid.

We have to protect bank deposits. It is a positive development that now people are talking about insuring a quarter of a million dollars of bank deposits through the FDIC. But the fact of the matter is, you can do that without being in a bailout bill.

Protecting investors. We need to bring back strong regulation to Wall Street. As chairman of domestic policy, I challenge the Wall Street hedge fund speculators who have been a threat to all investors, and I intend to keep active watch on the machinations of Wall Street.

We need a new national security policy called ''Strength Through Peace.'' I helped lead the effort against the Iraq war. We forget about the Iraq war in this debate often, but the truth of the matter is that war is going to cost the American people anywhere between $3 trillion and $5 trillion and as many lives as have been lost by our soldiers and as many lives as have been lost by innocent Iraqis.

We need a new direction in America. We have to end the war and bring our troops home. We must engage in diplomacy. We have to reduce the military budget and stop these outrageous cost overruns by firms like Halliburton.

We have to work so there is safety in America, safe neighborhoods, safe homes. I introduced a bill, H.R. 808, which creates a comprehensive plan to deal with the issues of violence in American society; domestic violence, spousal abuse, child abuse, violence in the school, racial violence, gang violence, gun violence, that exact a social and economic toll on America.

We can work our way through these dilemmas. This is America. We have unlimited ability to solve our problems and to meet challenges. But we have to realize that what we have here is not simply an economic challenge, it is a spiritual challenge.

Today we are being challenged by greed. Greed will bring down our Nation if we don't stand up for those whose prime values have been fairness, frugality and faithfulness.

We must remember who we are as Americans. We can begin to strengthen ourselves by defeating this bill. Where people are being threatened, let us rise up with courage. Where people are being told that there is no other path, let us provide alternatives. And let us reclaim the Nation that we love.

Standing above us, rising above us is an American eagle, a beautiful American eagle at the canopy of this House. This eagle, which spreads itself over the fullness of this Congress, has a left wing and a right wing. That American eagle needs two wings to fly. That American eagle was able to soar a few days ago, and hopefully it will soar again tomorrow.

The motto under that eagle, E. Pluribus Unum, out of many we are one. Let us be one for the mass of Americans. Let us be one for the homeowners. Let us be one for those who want jobs. Let us be one for those who want health care. Let us be one for those who want a country they can call their own, the people of the United States of America.

1. Health Care for All: Insurance companies make money not providing health care. As the co-author of H.R. 676, a universal, single-payer, not-for-profit health care system, Medicare for All, I understand millions of Americans want health care that is accessible and affordable.

Medicare for All will help businesses large and small, create jobs as well as save the jobs of thousands of people including those of doctors, nurses and other healthcare workers who are currently leaving medicine because it is run by the insurance companies. $1 in every 3 dollars of the $2.4 trillion spent annually in America for health care goes to the insurance companies. If we take that money ($800 billion in unproductive wasteful spending) and put it directly into care, we will have enough money to cover everyone. We are already paying for Medicare for all, but not receiving it. H.R. 676 changes that.

2. Prescription Drug Benefit for Seniors: H.R. 6800 is the MEDS Act, which provides a fully paid prescription drug benefit, under Medicare, for all seniors. I wrote this bill to help alleviate the economic pressure that comes from the high cost of prescription drugs. We can pay for it by letting the government negotiate drug prices with the pharmaceutical companies as well as by permitting re-importation.

3. Stop the Oil Companies' Price Gouging: As you know, I was the first one to step up to challenge of the corrupt price gouging and market speculation of the oil companies by proposing a windfall profits tax, on oil and natural gas companies. with revenues put into tax credits for the purchase of fuel-efficient American-made cars, However, it may be that nationalization is the only way to put an end to the oil companies' sharp practices.

4. Protecting the American Homestead: As Chairman of the Domestic Policy Oversight Subcommittee, I am working to protect your basic right to have a roof over your head, whether as an owner or renter. I have Investigated and helped to expose the manipulation of mortgage markets, and I am crafting a new federal policy so that neighborhoods with the highest number of foreclosures get the most help.

5. Jobs for All: Congressman LATOURETTE and I have co-authored the bi-partisan New

Deal-type jobs program, H.R. 3400, ''Rebuilding America's Infrastructure.'' It will create millions of good-paying new jobs rebuilding our roads, bridges, water systems and sewer systems.

6. American Manufacturing Policy: I am drafting the American Manufacturing Policy Act, which for the first time, will state that the maintenance of U.S. steel, automotive, and aerospace industries are vital to our national economic security and must be maintained through integrated public-private cooperation, new trade policies, and investment.

7. Works Green Administration: I am also drafting plans for a green New Deal jobs program, in which the govemment creates millions of jobs by incentivizing the design, engineering, manufacturing, distribution and maintenance of millions of wind and solar microtechnologies for millions of homes and businesses, dramatically lowering energy costs and reducing our dependence on oil.

8. Fair Trade: The U.S. has lost millions of good-paying jobs, and more jobs have been out-sourced. As you know, I have helped to lead the way in opposition to trade giveaways. I strongly urge repeal of NAFTA. We must include workers' rights, human rights and environmental quality principles in all trade pacts. We must also protect the Great Lakes' water resources from the reach of multi-national corporations.

9. Education for All: I know families need help with the rising cost of day care. That is why I introduced H.R. 4060. a universal prekindergarten program to ensure that all children ages 3–5 have access to full-day, quality day care.

10. Protecting Pensions: I am working to change bankruptcy laws so pensioners' claims will be first, ahead of banks, and that corporate executives who misuse workers' pension funds are subject to criminal penalties. I want to fully fund the Pension Benefit Guarantee Board.

11. Social Security: From my first moments in Congress, I have exposed Wall Street's efforts to privatize Social Security and attacked it in the Democratic Caucus when it was being proposed. Can you imagine where seniors would be today if Social Security had been turned over to the stock market? Social Security is solid through 2032 without any changes.

12. Protect Bank Deposits: I will work to make sure the Federal Deposit Insurance Corporation, FDIC, has sufficient funds to provide for insurance of deposits up to $200,000 at all banks and savings and loans. This is an urgent matter since so many banks are said to be vulnerable.

13. Protect Investors: Bring back strong regulation to Wall Street. As Chairman of the Domestic Policy Subcommittee, I challenged the Wall Street hedge fund speculators as a threat to small Investors. I intend to keep active watch over the machinations on Wall Street.

14. Strength through Peace: You'll remember when I led the effort against the ill-conceived Iraq war, which has now cost more than 4.100 U.S. soldiers' lives, cost U.S. taxpayers between $3 trillion and $5 trillion, and resulted in the deaths of more than a million Iraqis. We must bring our troops home and end the war. We must engage in diplomacy. We must reduce the military budget, and we must stop outrageous cost overruns by the likes of Halliburton.

16. Safety in America: I am proud of my work for peace. In July 2001, I introduced a bill, which today is H.R. 808, that for the first time creates a comprehensive plan to deal with the issues of violence in American society, particularly domestic violence, spousal abuse, child abuse, gang violence, gun violence, racial violence, and violence against gays by establishing a Cabinet-level Department of Peace and Restorative Justice. This proposal has sparked a national movement and when implemented will save taxpayers millions of dollars.

16. Monetary Policy: It is long past the time that we looked at the implications of our debt based monetary system, the privatization of money created by the 1913 Federal Reserve Act. the banks fractional reserve system and our debt-based economic system. Unless we have dramatic reform of monetary policy, the entire economic system will continue to accelerate wealth upwards. I am currently working on drafting legislation for an 'American Monetary Act' to address these and other issues in order to protect the economic well-being of America.

I yield to my friend from California, who has done such a wonderful job in organizing what is called the Skeptics Caucus, at a time where skepticism is called for. Through enlightened articulation of facts, he has come forward, as has my good friend and colleague from Ohio, Representative MARCY KAPTUR, who has courageously stood here day in and day out challenging this corrupt bailout.

I yield to my friends, and I thank you for your service to America and for your service to your communities.

A SKEPTICAL VIEW OF THE WALL STREET BAILOUT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SHERMAN) is recognized for the remainder of the time.

Mr. SHERMAN. I thank the Chair. I have got 30 minutes, and I will share some with the gentlewoman from Ohio in just a second to describe the flaws with this bill. Believe it or not, 30 minutes is not long enough. But first I want to mention about the calls that are coming into our office.

The calls used to be from people around the country. Now Wall Street firms have their employees unplugging those headsets to call investors and instead calling Members of Congress. So now the calls coming in to at least my office have shifted from 20–1 against this bailout package for Wall Street, down to about 3–1 or 4–1 against this bailout.

I ask my colleagues not to be confused. Edit out some of those calls that are coming to you from folks who are being paid to make the call, and you will realize the country remains absolutely overwhelmingly opposed to this Wall Street bailout bill.

I thank again the gentleman from Ohio, and I will make a few more points.

We had a meeting of the Skeptics Caucus, which is now a bipartisan Skeptics Caucus, where we heard from Bill Isaac. Mr. Isaac was Chair of the FDIC, having first been appointed to that board by President Carter and then appointed by Reagan. You don't find very many people who have support on both sides of the aisle like that.

Bill Isaac led the FDIC in solving the 1981 crisis, which was probably worse than the crisis that we have now. He used the emergency powers of the FDIC. He was able to solve that credit crisis without significant cost to the taxpayer.

We ought to hear from Bill Isaac. And I look forward to us defeating this bill tomorrow so we can have hearings and all my colleagues, not just those who came to the Skeptics Caucus, can hear from Mr. Isaac and so many others, because the starting point is this testimony that we didn't hear before any hearing, because there have been no hearings on this bill, but rather a letter sent to Members of Congress by hundreds of eminent economists, including three Nobel Laureates. And they said, we ask Congress not to rush, to hold appropriate hearings, and to carefully consider the right course of action.

So, Nobel Laureates, economists eminent in their field, say the sky will not fall if we take some time. The only way to pass this bill is to keep up the panic. The panic has to be calmed down. We have got a few days. We have got a week. We have got 10 days, and that is more than enough time to write a much better bill.

But let me summarize some of the other things that Bill Isaac told our Skeptics Caucus. A vote ''no'' on tomorrow's bill is not a vote to do nothing. It is a vote to defeat that bill and to start writing a much better bill.

Under the bill that comes before us tomorrow, in Mr. Isaac's belief, half of all the money is going to be used to bail out foreign investors who made dumb business decisions. Now, I am not real sure that I want to use taxpayers' money to bail out American investors who made bad business decisions. But why are we bailing out the Bank of China? Why are we bailing out the Saudi royal family? We are doing so because they demand it. They communicate those demands at the highest level to our administration.

After I yield to the gentlewoman from Ohio, I will describe how the bill clearly provides that we can send as much money as Treasury wants not to bail out American investors, but to bail out foreign investors. And when I say foreign investors, I don't just mean companies here in the United States that happen to have foreign owners.

I have sought at the Rules Committee to simply put an amendment in this bill to say that we are not going to buy any toxic asset that wasn't demonstrably owned by an American on September 20. That amendment will not be allowed. It was not allowed last time; it won't be allowed this time.

Why? Because they think they can hide from this Congress and from the

American people the fact that hundreds of billions of dollars are going to overseas investors. And there are transparency provisions in the bill on a lot of things, but the one thing that will never be revealed, when Goldman Sachs sells a bond on December 1 to Treasury, what will not be revealed is whether Goldman Sachs bought it from the Bank of China two or three days earlier with intention to sell to Treasury. We are going to be buying bonds that are currently in vaults in Beijing and London.

What Mr. Isaac also pointed out is that this bill is not going to solve the problem. People think that if you act in a panic and you throw $700 billion at something, you are going to solve it. Hardly. In his estimation, the credit markets will not be appreciably working any better than they are today. They may loosen things up for a week or two, but you are looking at a December that is no better than it would be if we did not pass this bill.

The FDIC could solve this problem under their existing powers. If they are a little shy to use those powers to the hilt, we can and should pass a bill that outlines that, yes, indeed, we do want them to use their powers. What should they do? They should provide for a temporary time a total guarantee on all of the general credit debt of banks, so the regulated commercial banks would be places where people know their money is safe.

They are subject to regulation, and the main part of this crisis is that the banks are unwilling to lend to each other as they traditionally do because no one bank is sure that the other bank is safe. We have got to say the commercial banks of America are safe and tell investors around the world that is where they can put their money with total safety.

Now, this leaves out some Wall Street entities that are desperate for that $700 billion. They can just taste it. But it allows us to solve this problem without appreciable cost to U.S. taxpayers. And the FDIC collects an insurance premium from the banks so it would be the financial system, not the American taxpayer, paying the cost of taking care of this risk.

Now, I would hope that every Member of Congress has received my blue paper. I have sent it out today via e-mail, I have handed it out on the floor, but I know there are a few that haven't received it. Please contact my office and read these seven pages. Learn how this bill will send half the money to foreign investors. Learn how this bill bails out firms that will continue to pay $1 million a month salaries, and could raise those executives to $1.5 million a month, should they choose to do so.

Please, read the paper. Read about the key provisions of the bill. Then you will be armed with the information necessary to deal with the fearmongers that tell you, well, you had to pass that bill. You had to dump $700 billion from a helicopter onto Wall Street, because somehow that was going to take a terrible economy and turn it into a great economy.

Such an action will indeed, will indeed, make things better for a few Wall Street executives, and they are very determined, and their employees on company time are calling our office.

With that, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman, the chairman of a subcommittee on International Relations, who has just dedicated himself, his great intelligence and great fervor, to helping to explain to the American people and our colleagues what is really at stake, and to try to move this institution, the House of Representatives, the closest body left at the Federal level to the American people, to move us to the right decision tomorrow.

Tonight, so many of us, we are praying for our American republic, and we ask the American people to pray with us and to pray for this House, and to pray without fear. Franklin Roosevelt said, ''All we have to fear is fear itself.'' We need to make wise decisions; not decisions made in haste or in panic.

If we vote ''no'' tomorrow, that is not a vote for no action. A ''no'' vote tomorrow will signal we want a better answer, and we will work here until we get it.

The other night the Senate voted to pass their version of a bill, and the stock market went down. Explain that to me. They passed the bill. It goes down.

□ 2000

I don't think there is any relationship between day-to-day trades, what is happening in the markets and what is happening here. We know that there is a serious issue in our financial system because credit markets are seized up. As others have said, what we can do there is to ask the FDIC to employ its emergency powers, which are already law, and agree to cover all creditors, bondholders and depositors in those institutions and that that will take the fear out of that system because they're scared, too, because they don't know, if they borrow from bank X in another city, whether that bank will be around the next day. Those banks are liquid. In other words, they have money to lend, but they're afraid, too. So we've got to get the fear out of the system. Let us pray to not have fear.

If we pass the bill the administration has sent us, one of the things that's going to happen, plus what they did over in the Senate, is that we're going to add 870 more billion dollars to our debt. We can't afford to do that right now. That is a very bad decision because we are in debt. We will be over $12 trillion in debt. The value of our dollar is already going down. This will push it down more, and our deficit is going up, which is not such a good position to be in. So we need a solution that doesn't raise our deficit by any more.

By declaring that emergency at the FDIC, it gives the FDIC and its bank examiners enormous powers to go around and to try to make the loans that are necessary, to work out real estate loans where those need to be worked out. They can even get into executive compensation, and they can look for fraudulent accounting throughout the country. That's what bank examiners do, and they're really good at it. Ask any banker. We need to enliven that system and make it function.

Then we need to ask the Securities and Exchange Commission, which has moved along this week and has been doing better than it has in the past, to help these banks within their accounting systems give a true value to the real estate assets on their books and not to some artificial index that bears no relation to reality, to what has happened in Cleveland or in Toledo or anywhere else, and to use the private sector as we did back in the 1980s—to heal the system and to use its power and to do it with discipline and rigor, not to take $870 billion and reward those who have had very bad behavior on Wall Street.

I'm sure my dear colleague from California and Congressman KUCINICH from Ohio, who has been such a stalwart in fighting for the people of Cleveland and of our country, would agree that the bill they're sending over from the Senate has had no hearings in this House. When we sent our bill over there, it was about that thick. The bill that came back to us today is about that thick. It was so heavy I couldn't even carry it over here to the floor. We have had not hearing one on that bill here in this Chamber. We are not following regular order, and that is not in the interest of the American people. At a minimum, there ought to be regular order with the committees of jurisdiction.

They've stuffed tax issues in that bill over on the Senate side. I understand there are *Exxon Valdez* provisions. There is even something for wooden arrows for children. There are trade provisions in there, and there is even Puerto Rican rum. How about that one? They've put the Alternative Minimum Tax in there, which sounds great except they didn't have any offsets, so it increases the deficit even more.

We haven't had hearings, so we'll have to do a better job of due diligence here. Really, our leadership should allow us to do that. One day or two days or five days isn't going to make that much difference in what is happening in the markets.

Let me give a point of view here as to one of the things that, I think, is happening in all of this. Why is the Treasury moving this in this way so fast now?

I think it has to do with the fact that so much of our debt has been financed by foreigners and by foreign banks that

the Treasury is a little bit worried about that as we begin a new fiscal year and that rather than presenting a balanced budget or a budget that moves us to a balance over the next few years that they're giving us more debt on top of old debt, which is a backwards way to help this economy.

This past week, it was announced in Reuters news service that seven banks in China had lost over $700 million because of what happened at Lehman Brothers with its implosion and that the National Bank of China was paying attention to that and that the debt dealings that they were having with the United States, particularly at the beginning of the new fiscal year, which is October 1, had created a bit of tension in that system and that it is actually our deficit and our difficulty in financing that—because we have a President who conducted two wars without paying for them—that our credit situation is not as good as it should be.

There are instruments, we've been told, such as credit default swaps and collateralized debt obligations that have to be covered. Well, let's be honest with one another. If that's what we're going to be doing, then let's tell the American people, and let's get it done the right way. We understand, in this $870 billion that they want to take from the taxpayers, that over half of that money will go to foreign creditors. Doesn't this Congress and don't the American people have a right to know to whom and how much and what this all means and how we got into this situation? Because, if we really don't understand what we're getting into, we can't get out of it. If only a few people know—and this is an inside trade, inside of Washington—and the American people don't understand it and we don't do this together as a people, then how are we really going to make it better unless we all walk together and get through this together?

I have a great deal of confidence in our banking system, and I would encourage and would hope that Secretary Paulson and the chairman of the Federal Reserve, Chairman Bernanke, and the head of the Federal Deposit Insurance Corporation, Chairman Bair, and the head of the Securities and Exchange Commission, Christopher Cox, eat lunch tomorrow. I hope you figure out how to advise the President of the United States because I really do think those emergency powers at the FDIC would give great confidence to the system. When you do that, you will get an inflow of foreign funds into this country rather than the kind of policy you're following now, which is making those credit markets tighter and tighter and tighter in a banking system that is fundamentally sound and liquid.

So pay attention to the booking of those assets through the Securities and Exchange Commission. Help our banks weather this period. Give them some confidence, and help us to heal this in the full sunlight, not in a quick vote that is rushed through here tomorrow.

I want to thank my dear colleague from California, BRAD SHERMAN, who has been a true, true leader in this effort to try to do this the right way, not the fast way. I thank the gentleman.

Mr. SHERMAN. Thank you. I thank the gentlelady from Ohio.

The only way they can pass this bill is by creating and by sustaining a panic atmosphere. That atmosphere is not justified. Many of us were told in private conversations, if we voted against this bill, that, on Monday, the sky would fall and that the market would drop 2,000 or 3,000 points the first day and another 2,000 the second day. A few Members were even told that there would be martial law in America if we voted ''no.'' That's what I call fear mongering—unjustified, proven wrong.

We've got a week; we've got 2 weeks to write a good bill. The only way to pass a bad bill: Keep the panic pressure on.

Now, what has the Senate done to this bill? First, they've added pork to it in the hope that that would buy off some votes. Second, they've created a double hostage situation. Now, we already know that the first bill was a hostage situation. When Paulson announced this crisis, he basically sent a ransom note, and that ransom note read, ''We've got your 401(k), and you'll never see it alive again unless you send us $700 billion in unmarked bills.'' So we had one hostage situation.

There's the AMT patch, a necessary tax provision that Congress passes every year. Without this patch, the AMT tax, which is designed to fall only on the wealthy, will hit another 20 million American households. Everyone knows we have to pass this. We sent it to the Senate for them to pass. Instead of passing it, they created a hostage situation. They refused to pass it. They put it on this bill. So now we're being told, if you don't send $700 billion to Wall Street, we're going to tax 20 million American families in a way no one in Congress wants to do. That's totally phony. If we vote down this bill, the Senate will pass the AMT patch bill that we sent them just like they do every year.

There has been some attempt to tell the American people that this bill isn't going to cost anything permanently because, in 2013, we're going to get the money back from the financial services industry. Nothing could be further from the truth. All the bill says is that the President has to send us a proposal to tax the financial services industry. Now, keep in mind, if the President has any good ideas in 2013, he'll send them to us or she'll send them to us. If the President is only sending us revenue ideas because they have to send them and they don't want to send that proposal, well then, they're going to send it with a note, saying, ''I'm required to give you this proposal, but I think it's a bad idea.'' What do you think we're going to do with a Presidential proposal that is disparaged by the President?

Furthermore, it would be absolutely impossible and contrary to the intent of the bill, contrary to the logic of the bill and contrary to the statutory provisions of the bill to construct a tax that hit only those companies that got bailed out. Instead, the tax is going to hit the entire financial services industry, and a proposal like that is highly unlikely to pass the House. If it passed the House and if it got over to the Senate, 41 Senators could block it, and Wall Street could have enough money to hire 4,100 lobbyists.

Now, why is it that we can't tax the individual companies that are bailed out on some sort of proportional basis?

Well, first, many of those firms aren't going to exist in 2013. Second, we're not even keeping track of how much money we lost on the assets we're buying from Goldman Sachs versus how much money we're losing on the assets we're buying from Citibank. We'll know how much we bought from each of them, but we might buy really toxic assets from one and only mildly troublesome assets from the other. We'll mix them together. Then we'll sell them off and we'll suffer a loss, and we won't know how to attribute that loss. How much are we going to tax Goldman Sachs? How much are we going to tax Citibank? We'll never know how to tax those we'll have bailed out.

Some of these companies we're bailing out are just going to be shell companies, so you know they're going to disappear before 2013, and you know that a tax bill is going to hit similarly sized banks with the same rate of tax: the banks that got a big bailout, the banks that got a small bailout, the banks that didn't get a bailout, the banks that sold us kind of bad assets, the banks that sold us assets that turned out to be worthless.

Such a controversial tax bill submitted under duress by a President is not going to pass this House, let alone pass the Senate, which can stop it with 41 votes. Wall Street gets their money now, and we get it back: never.

Now, as I said, hundreds of billions of dollars are going to be used to bail out foreign investors. That is why my amendment, which easily fixes that problem, has been rejected, because the White House demands that we bail out these foreign investors. That's what they want to do. That's what they promised the Saudi royal family. That's what they promised the Bank of China. Those promises will be honored with the tax money squeezed out of the American people.

They talk about executive compensation being controlled in this bill. They do put some controls on some bonuses being given to some departing executives—great—but they allow $1-million-a-month salaries. If some executive says, ''well, you know, you wanted to pay me a good bonus on top of my $1-million-a-month salary and now the bonus formula is being changed a little bit,'' the company can say, ''You know,

you're right. We wanted to give you more money. We'll raise your $1-million-a-month salary to $2 million a month.''

Now, if that qualifies as limits on the executive compensation of companies that need and get a bailout under this bill, please explain to me how that is. Look, Bill Gates is running a great company. He doesn't need a bailout. I hope he gets paid a whole lot. But if your company has been run into the ground, if you need a bailout, if you're part of the reason for this panic situation, why do you need to pay over $1 million a year to any executive? That ought to be the limit. Frankly, it strikes me as a generous limit.

We're told that there's going to be oversight under this bill. There is a good, Democratic-dominated board that is created. It is a critique board, not a control board. It is a board that will issue press releases and reports, but it will not halt and it will not reverse and it will not delay any decision that will be made by the Secretary of the Treasury, which brings up another thing:

Why are we having Paulson run this thing? I thought he already had a job. The Secretary of the Treasury ought to be a full-time job if we're in a period of an unparalleled, sky-is-falling economic crisis. Furthermore, he is temporary. He is leaving Washington in January. Why doesn't this bill provide for an administrator selected in a bipartisan way and with bipartisan support who is willing to stick around for 2 or 3 years? Because this is a Paulson-Bush power grab. Paulson doesn't want somebody else to do it. He wants to be up on Wall Street, handing out the money to the companies he likes and ignoring the phone calls from the firms he doesn't like.

I want to point out that, if another Member comes to the floor in the next couple of minutes, he can claim the next hour. Otherwise, for better or for worse, this speech and all of the pontificating on this floor will be over soon. So I hope Members will come to the floor. We've got a lot to discuss.

The board is just a critique board. Paulson's power is undiminished, and we're having a part-time, temporary employee run this because that's what Paulson really wants. Homeowners are not going to get any relief under this bill. All $700 billion can easily be spent.

I see the gentlelady from Ohio (Ms. SUTTON), and I hope that she claims the next hour of time. I thank her for coming here and for being here so quickly. I will use the remaining 3 minutes of my time, and I will look forward to being part of her Special Order, right up until the Vice Presidential debate starts.

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We are told in 2009 we are going to pass really good legislation to make sure that this never happens again—corporate governance reform, regulatory reform, we are going to get it done. What is really going to happen? We may write a really good bill in the House, something Wall Street really hates. Then it goes over to the Senate where 41 Senators out of 100 is all it takes to block it. I don't think they will defeat reform legislation in the Senate. They will delay it and then they will dilute it. And by the time it passes, it will be so diluted, Wall Street will drink it down with a smile on its face knowing that no effective reform is really being imposed upon them.

So we are not going to see meaningful regulatory reform; although we will pass something and Wall Street will tell you it is a big deal. We will see million-dollar-a-month salaries, or one-and-a-half million or $2 million a month salaries paid to the executives of these firms while they are getting a bailout with our taxpayer money.

We are going to see a very large percentage of this money going to buy securities, bad paper, and toxic assets currently in safes in Shanghai, Beijing, London and Riyadh, Saudi Arabia.

We will see all of the power in the hands of the Bush administration and in the hands of a part-time temporary administrator, namely the Secretary of the Treasury.

Under this bill, if it passes, we don't really know what is going to happen to the economy. No one knows. The only thing that is certain, two things: Wall Street executives are going to get huge amounts of money and our children and grandchildren are going to get stuck with hundreds of billions of dollars of additional Federal debt. And we as a country, having just done a bad $700 billion program, will not be able to do anything to help homeowners because we won't have the money. We won't be able to bail out local governments because we won't have the money. We won't be able to deal effectively with the real banking-lending crisis because we will have shot our entire wad on a bill that is guaranteed only to do one thing, and that is to help the truly wealthy on Wall Street.

My time has expired, and I look forward to the Speaker giving unanimous consent to the gentlelady from Ohio controlling the next hour.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1424, EMERGENCY ECONOMIC STABILIZATION ACT OF 2008; ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008; AND TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–907) on the resolution (H. Res. 1525) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–908) on the resolution (H. Res. 1526) providing for consideration of motions to suspend the rules and 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.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10640

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today until 8:48 a.m. on account of official business.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10618

BROADBAND DATA IMPROVEMENT ACT

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1492) to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation, 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 Massachusetts?

There was no objection.

The text of the Senate bill is as follows:

S. 1492

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

TITLE I—BROADBAND DATA IMPROVEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Broadband Data Improvement Act''.

SEC. 102 FINDINGS.

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

SEC. 103 IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note) is amended—

(1) by striking ''regularly'' in subsection (b) and inserting ''annually'';

(2) by redesignating subsection (c) as subsection (d); and

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

''(c) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

''(1) the population;

''(2) the population density; and

''(3) the average per capita income.''.

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

(G) any other information the Commission deems appropriate for such purpose.

(2) PUBLIC AVAILABILITY.—The Commission shall make publicly available the results of surveys conducted under this subsection at least once per year.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, in consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information for residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

(e) PROPRIETARY INFORMATION.—Nothing in this title shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this title be construed to compel the Commission to make publicly available any proprietary information.

SEC. 104. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate additional broadband metrics or standards that may be used by industry and the Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and penetration of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—

(1) to calculate the average price per megabit per second of broadband offerings;

(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds and to consider factors affecting speed that may be outside the control of a broadband provider;

(3) to compare, using comparable metrics and standards, the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrialized nations, including countries that are members of the Organization for Economic Cooperation and Development; and

(4) to distinguish between complementary and substitutable broadband offerings in evaluating deployment and penetration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Communications Commission can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of comparable broadband service at comparable rates across all regions of the Nation.

SEC. 105. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESSES.

(a) IN GENERAL.—Subject to appropriations, the Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—

(1) a survey of broadband speeds available to small businesses;

(2) a survey of the cost of broadband speeds available to small businesses;

(3) a survey of the type of broadband technology used by small businesses; and

(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 106. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.

(a) PURPOSES.—The purposes of any grant under subsection (b) are—

(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;

(2) to achieve improved technology literacy, increased computer ownership, and broadband use among such citizens and businesses;

(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and

(4) to establish and sustain an environment ripe for broadband services and information technology investment.

(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—

(1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;

(2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and

(3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.

(d) PEER REVIEW; NONDISCLOSURE.—

(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.

(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—

(A) be provided a written description of the grant to be reviewed;

(B) provide the results of any review by such group to the Secretary of Commerce; and

(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.

(e) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—

(1) to provide a baseline assessment of broadband service deployment in each State;

(2) to identify and track—

(A) areas in each State that have low levels of broadband service deployment;

(B) the rate at which residential and business users adopt broadband service and other related information technology services; and

(C) possible suppliers of such services;

(3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—

(A) the demand for such services is absent; and

(B) the supply for such services is capable of meeting the demand for such services;

(4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States;

(5) to create and facilitate in each county or designated region in a State a local technology planning team—

(A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

(8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;

(9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and

(10) to create within each State a geographic inventory map of broadband service, including the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall—

(A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and

(B) provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.

(f) PARTICIPATION LIMIT.—For each State, an eligible entity may not receive a new grant under this section to fund the activities described in subsection (d) within such State if such organization obtained prior grant awards under this section to fund the same activities in that State in each of the previous 4 consecutive years.

(g) REPORTING; BROADBAND INVENTORY MAP.—The Secretary of Commerce shall—

(1) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and

(2) create a web page on the Department of Commerce website that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hypertext links to any geographic inventory maps created by grant recipients under subsection (e)(10).

(h) ACCESS TO AGGREGATE DATA.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall provide eligible entities access, in electronic form, to aggregate data collected by the Commission based on the Form 477 submissions of broadband service providers.

(2) LIMITATION.—Notwithstanding any provision of Federal or State law to the contrary, an eligible entity shall treat any matter that is a trade secret, commercial or financial information, or privileged or confidential, as a record not subject to public disclosure except as otherwise mutually agreed to by the broadband service provider and the eligible entity. This paragraph applies only to information submitted by the Commission or a broadband provider to carry out the provisions of this title and shall not otherwise limit or affect the rules governing public disclosure of information collected by any Federal or State entity under any other Federal or State law or regulation.

(i) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an entity that is either—

(i) an agency or instrumentality of a State, or a municipality or other subdivision (or agency or instrumentality of a municipality or other subdivision) of a State;

(ii) a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code; or

(iii) an independent agency or commission in which an office of a State is a member on behalf of the State; and

(B) is the single eligible entity in the State that has been designated by the State to receive a grant under this section.

(j) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed as giving any public or private entity established or affected by this title any regulatory jurisdiction or oversight authority over providers of broadband services or information technology.

TITLE II—PROTECTING CHILDREN

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Protecting Children in the 21st Century Act''.

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

Sec. 201. Short title; table of contents.

SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 211. Internet safety.
Sec. 212. Public awareness campaign.
Sec. 213. Annual reports.
Sec. 214. Online safety and technology working group.
Sec. 215. Promoting online safety in schools.
Sec. 216. Definitions.

SUBTITLE B—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 221. Child pornography prevention; forfeitures related to child pornography violations.

SUBTITLE A—PROMOTING A SAFE INTERNET FOR CHILDREN

SEC. 211. INTERNET SAFETY.

For the purposes of this title, the issue of Internet safety includes issues regarding the use of the Internet in a manner that promotes safe online activity for children, protects children from cybercrimes, including crimes by online predators, and helps parents shield their children from material that is inappropriate for minors.

SEC. 212. PUBLIC AWARENESS CAMPAIGN.

The Federal Trade Commission shall carry out a nationwide program to increase public awareness and provide education regarding strategies to promote the safe use of the Internet by children. The program shall utilize existing resources and efforts of the Federal Government, State and local governments, nonprofit organizations, private technology and financial companies, Internet service providers, World Wide Web-based resources, and other appropriate entities, that includes—

(1) identifying, promoting, and encouraging best practices for Internet safety;

(2) establishing and carrying out a national outreach and education campaign regarding Internet safety utilizing various media and Internet-based resources;

(3) facilitating access to, and the exchange of, information regarding Internet safety to promote up-to-date knowledge regarding current issues; and

(4) facilitating access to Internet safety education and public awareness efforts the Commission considers appropriate by States, units of local government, schools, police departments, nonprofit organizations, and other appropriate entities.

SEC. 213. ANNUAL REPORTS.

The Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation not later than March 31 of each year that describes the activities carried out under section 103 by the Commission during the preceding calendar year.

SEC. 214. ONLINE SAFETY AND TECHNOLOGY WORKING GROUP.

(a) ESTABLISHMENT.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall establish an Online Safety and Technology working group

comprised of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and Federal agencies to review and evaluate—

(1) the status of industry efforts to promote online safety through educational efforts, parental control technology, blocking and filtering software, age-appropriate labels for content or other technologies or initiatives designed to promote a safe online environment for children;

(2) the status of industry efforts to promote online safety among providers of electronic communications services and remote computing services by reporting apparent child pornography under section 13032 of title 42, United States Code, including any obstacles to such reporting;

(3) the practices of electronic communications service providers and remote computing service providers related to record retention in connection with crimes against children; and

(4) the development of technologies to help parents shield their children from inappropriate material on the Internet.

(b) REPORT.—Within 1 year after the working group is first convened, it shall submit a report to the Assistant Secretary and the Senate Committee on Commerce, Science, and Transportation that—

(1) describes in detail its findings, including any information related to the effectiveness of such strategies and technologies and any information about the prevalence within industry of educational campaigns, parental control technologies, blocking and filtering software, labeling, or other technologies to assist parents; and

(2) includes recommendations as to what types of incentives could be used or developed to increase the effectiveness and implementation of such strategies and technologies.

(c) FACA NOT TO APPLY TO WORKING GROUP.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

SEC. 215. PROMOTING ONLINE SAFETY IN SCHOOLS.

Section 254(h)(5)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

(1) by striking ''and'' after the semicolon in clause (i);

(2) by striking ''minors.'' in clause (ii) and inserting ''minors; and''; and

(3) by adding at the end the following:

''(iii) as part of its Internet safety policy is educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.''.

SEC. 216. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor successor protocols to such protocol, to communicate information of all kinds by wire or radio.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

SEC. 221. CHILD PORNOGRAPHY PREVENTION; FORFEITURES RELATED TO CHILD PORNOGRAPHY VIOLATIONS.

(a) IN GENERAL.—Section 503(b)(1) of the Communications Act of 1934 (47 U.S.C. 503(b)(1)) is amended by striking ''or 1464'' in subparagraph (D) and inserting ''1464, or 2252''.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 29, 2008, AT PAGE H10621

METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2008

Mr. MARKEY. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce and the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, 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 Massachusetts?

There was no objection.

The text of the Senate bill is as follows:

S. 1276

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 ''Methamphetamine Production Prevention Act of 2008''.

SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

''(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does not sell such a product unless the sale is made in accordance with the following:

''(I) The prospective purchaser—

''(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after March 9, 2006); and

''(bb) signs the written logbook and enters in the logbook his or her name, address, and the date and time of the sale, or for transactions involving an electronic logbook, the purchaser provides a signature using one of the following means:

''(AA) Signing a device presented by the seller that captures signatures in an electronic format. Such device shall display the notice described in clause (v). Any device used shall preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature.

''(BB) Signing a bound paper book. Such bound paper book shall include, for such purchaser, either (aaa) a printed sticker affixed to the bound paper book at the time of sale which either displays the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale, or a unique identifier which can be linked to that electronic information, or (bbb) a unique identifier which can be linked to that information and which is written into the book by the seller at the time of sale. The purchaser shall sign adjacent to the printed sticker or written unique identifier related to that sale. Such bound paper book shall display the notice described in clause (v).

''(CC) Signing a printed document that includes, for such purchaser, the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale. Such document shall be printed by the seller at the time of the sale. Such document shall contain a clearly identified signature line for a purchaser to sign. Such printed document shall display the notice described in clause (v). Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.

''(II) The seller enters in the logbook the name of the product and the quantity sold. Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

''(III) The logbook maintained by the seller includes the prospective purchaser's name, address, and the date and time of the sale, as follows:

''(aa) If the purchaser enters the information, the seller must determine that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct.

''(bb) If the seller enters the information, the prospective purchaser must verify that the information is correct.

''(cc) Such information may be captured through electronic means, including through electronic data capture through bar code reader or similar technology.

''(v) The written or electronic logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook, or supplying false information or identification that results in the entry of false statements or misrepresentations, may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

''(vi) Regardless of whether the logbook entry is written or electronic, the seller maintains each entry in the logbook for not fewer than 2 years after the date on which the entry is made.''.

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.

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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and October 3.

Mr. JONES, for 5 minutes, today and October 3.

Mr. FRANKS of Arizona, for 5 minutes, today and October 3.

Mr. BURTON of Indiana, for 5 minutes, today and October 3.

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. MCHENRY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 602. An act to develop the next generation of parental control technology; to the Committee on Energy and Commerce.

S. 1703. An act to prevent and reduce trafficking in persons; to the Committee on The Judiciary.

S. 3013. An act to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform; in addition to the Committee on Veterans' Affairs 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.

S. 3073. An act to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes; to the Committee on House Administration.

S. 3658. An act to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Monday, September 29, 2008:

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. 1777. An act 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.

H.R. 5057. An act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

H.R. 5571. An act 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.

H.R. 6460. An act to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

H.R. 6946. An act to make a technical correction in the NET 911 Improvement Act of 2008.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. HOYER, on Wednesday, October 1, 2008:

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

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. 2786. An act to reauthorize the programs for housing assistance for Native Americans.

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.

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.

H.R. 6849. An act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature on Monday, September 29, 2008 to enrolled bills of the Senate of the following titles:

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.

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.

S. 2982. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

S. 3597. An act to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

The Speaker pro tempore, Mr. HOYER, on Wednesday, October 1, 2008 announced his signature to enrolled bills of the Senate of the following titles:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

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

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic logbook systems, 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. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators.

S. 2304. An act 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.

S 2816. To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

S. 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.

S. 3082. An act 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''.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

S. 3296. An act 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.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3477. 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.

S. 3550. An act to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''.

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3598. An act to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 29, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 2638. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 6890. To extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

H.R. 6894. To extend and reauthorize the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Friday, October 3, 2008, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8958. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8039] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8959. A letter from the General Counsel (OFHEO), Federal Housing Finance Board, transmitting the Board's final rule — Assessments (RIN: 2590-AA00) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8960. A letter from the Director Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Mine Rescue Team Equipment (RIN: 1219-AB56) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8961. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services (Transmittal No. 08-105), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

8962. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the Japan (Transmittal No. DDTC 123-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8963. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DDTC 115-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8964. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Greece (Transmittal No. DDTC 102-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

8965. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to South Korea, the United Kingdom, and France (Transmittal No. DDTC 122-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8966. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy (Transmittal No. DDTC 108-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8967. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Italy (Transmittal No. DDTC 099-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8968. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Sweden (Transmittal No. DDTC 112-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8969. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Mexico (Transmittal No. DDTC 120-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8970. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Republic of Singapore (Transmittal No. DDTC 119-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8971. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to The United Arab Emirates (Transmittal No. DDTC 117-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

8972. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes,'' pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

8973. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — De Minimis U.S. Content in Foreign Made Items [Docket No.] (RIN: 0694-AC17) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8974. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended. [Public Notice:] received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8975. 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 October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8976. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: Eritrea [Public Notice:] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8977. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from Turkey (Transmittal No. RSAT-07-08); to the Committee on Foreign Affairs.

8978. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed retransfer of major defense equipment from the United Kingdom to Saudi Arabia (Transmittal No. DDTC 010-08); to the Committee on Foreign Affairs.

8979. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to Singapore (Transmittal No. DDTC 060-08); to the Committee on Foreign Affairs.

8980. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed agreement for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea (Transmittal No. DDTC 121-08); to the Committee on Foreign Affairs.

8981. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Qatar (Transmittal No. DDTC 110-08); to the Committee on Foreign Affairs.

8982. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also PART 1, 62, 162, 267, 274, 1.62-2, 1.162-17, 1.267(a)-1, 1.274-5.) (Rev. Proc. 2008-59) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8983. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, 42; 1.42-14.) (Rev. Proc. 2008-57) received September 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8984. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Hospital Inpatient Prospective Payment Systems and Fiscal Year 2009 Rates: Final Fiscal Year 2009 Wage Indices and Payment Rates Including Implementation of Section 124 of the Medicare Improvement for Patients and Providers Act of 2008 [CMS-1390-N] (RIN: 0938-AP15) received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 6694. A bill to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act and to authorize risk-based insurance premiums for certain mortgagors under such mortgages; with an amendment (Rept. 110–905). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 840. A bill to amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes; with an amendment (Rept. 110–906). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1525. Resolution providing for consideration of the Senate amendments to the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes (Rept. 110–907). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1526. Resolution providing for consideration of motions to suspend the rules and waiving a requirement of clause 6(a) of the rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–908). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than October 3, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2008.

H.R. 1746. Referral to the Committees on Foreign Affairs, Oversight and Government Reform, and the Judiciary for a period ending not later than October 3, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2008.

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2008.

H.R. 6598. Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. HULSHOF, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. HIRONO, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. CUMMINGS, Ms. SUTTON, Mr. DELAHUNT, and Mr. JOHNSON of Georgia):

H.R. 7240. A bill to direct the Securities and Exchange Commission to issue rules regarding short selling of securities, to establish a net worth certificate program in the Federal Deposit Insurance Corporation, increase the maximum amount of depository insurance, and for other purposes; to the Committee on Financial Services.

By Mr. ENGEL (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. KING of New York, Mrs. CAPPS, Mr. MCHUGH, Ms. ESHOO, Mr. CROWLEY, and Mr. ALLEN):

H.R. 7241. A bill to preserve access to healthcare under the Medicare and Medicaid programs; 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. ANDREWS:

H.R. 7242. A bill to make technical corrections to the Pension Protection Act of 2006 relating to the Internal Revenue Code of 1986, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. GRAVES, and Mr. SKELTON):

H.R. 7243. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial; to the Committee on Natural Resources.

By Mr. HOLT:

H.R. 7244. A bill to amend the National Voter Registration Act of 1993 to establish notice and review requirements for the removal of individuals from the official list of eligible voters by reason other than a change of residence, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7245. A bill to amend the Help America Vote Act of 2002 to prohibit the use in any election for Federal office of any election-dedicated voting system technology which has not been certified for use in the election by the State which will administer the election and to establish the standards under which such technology and information regarding the technology may be disclosed, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7246. A bill to amend the Help America Vote Act of 2002 to establish standards for the publication of the poll tapes used in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7247. A bill to amend the Help America Vote Act of 2002 to establish standards for the transparent and accurate tabulation of votes and aggregation of vote counts in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7248. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to accept absentee ballots of overseas military and civilian voters which are submitted by the voter to a provider of express mail services not later than the day before the date of the election involved for transmission to the appropriate State election official, to require the Secretary of Defense to reimburse overseas military voters for the costs of using a provider of express mail services to transmit the ballot to the official, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 7249. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to farmers to offest high energy prices, to encourage the use of renewable energy, and to reduce prices to consumers; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. WAXMAN, Mr. HONDA, and Mr. OLVER):

H.R. 7250. A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions and to reduce global black carbon emissions; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 7251. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that local educational agencies receive Impact Aid payments for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian and to amend title 31 of the United States Code to ensure that local governments receive payments in lieu of taxes for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON:

H. Con. Res. 442. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3001; considered and agreed to.

By Mr. FILNER (for himself, Mr. HONDA, Mr. ISSA, and Mr. SCOTT of Virginia):

H. Res. 1523. A resolution recognizing Filipino American Heritage Month and celebrating the heritage and culture of Filipino Americans and their immense contributions to the Nation; to the Committee on Oversight and Government Reform.

By Mr. EHLERS:

H. Res. 1524. A resolution requiring the use of a bipartisan panel of Members in the selection of an individual for appointment as Chief Administrative Officer of the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. COURTNEY.

H.R. 279: Mr. ROHRABACHER.

H.R. 303: Mr. ANDREWS.

H.R. 579: Mr. ANDREWS.

H.R. 661: Mr. BOUCHER.

H.R. 715: Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. TOWNS, and Mr. LEWIS of Georgia.

H.R. 866: Mr BOOZMAN.
H.R. 1606: Mr. KUCINICH.
H.R. 1621: Mr. PASCRELL and Mr. JONES of North Carolina.
H.R. 1691: Ms. MATSUI.
H.R. 1755: Ms. LEE.
H.R. 1884: Mr. MACK.
H.R. 1889: Mr. HALL of New York.
H.R. 1890: Mr. HALL of New York.
H.R. 2066: Ms. DEGETTE.
H.R. 2075: Mr. VAN HOLLEN.
H.R. 2131: Mr. EDWARDS of Texas.
H.R. 2266: Mr. NADLER.
H.R. 2329: Mr. NUNES.
H.R. 2472: Mr. CASTLE.
H.R. 2617: Mr. HARE.
H.R. 2694: Mr. HARE.
H.R. 2864: Mr. REYES.
H.R. 2870: Mr. PASCRELL and Mr. RYAN of Ohio.
H.R. 2941: Mr. ANDREWS.
H.R. 3041: Mr. RYAN of Ohio.
H.R. 3057: Mr. ALTMIRE.
H.R. 3283: Mr. ANDREWS.
H.R. 3404: Mr. MARKEY.
H.R. 3618: Mr. ABERCROMBIE.
H.R. 3834: Mr. FEENEY.
H.R. 3874: Mr. ARCURI.
H.R. 3929: Mr. MARKEY.
H.R. 4052: Mr. STUPAK.
H.R. 4135: Mr. SCOTT of Georgia, Mr. HOLT, Mr. COHEN, Mr. SCOTT of Virginia, Mr. ORTIZ, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, and Mr. NADLER.
H.R. 4138: Ms. ROS-LEHTINEN.
H.R. 4218: Mr. KUCINICH and Mr. LEWIS of Georgia.
H.R. 4304: Mr. ROGERS of Alabama.
H.R. 4990: Mr. HINCHEY and Mr. MCDERMOTT.
H.R. 4992: Mr. HINCHEY, Mr. MCDERMOTT, Ms. MATSUI, Mr. MCGOVERN, and Mr. BERMAN.
H.R. 4993: Mr. HINCHEY, Mr. MCDERMOTT, Ms. MATSUI, Mr. MCGOVERN, and Mr. BERMAN.
H.R. 5448: Mr. MAHONEY of Florida and Mrs. TAUSCHER.
H.R. 5466: Mr. ANDREWS.
H.R. 5565: Mr. SALI.
H.R. 5585: Mr. KUCINICH and Ms. SCHWARTZ.
H.R. 5615: Mr. RYAN of Ohio
H.R. 5656: Mr. DANIEL E. LUNGREN of California, Mrs. EMERSON, Mr. FOSSELLA, Mr. BARRETT of South Carolina, and Mr. BOOZMAN.
H.R. 5674: Mr. HALL of New York.
H.R. 5704: Ms. SCHAKOWSKY and Mr. BISHOP of Georgia.
H.R. 5734: Mrs. BIGGERT.
H.R. 5881: Mr. KUCINICH.
H.R. 6057: Mr. KUCINICH.
H.R. 6157: Mr. HALL of New York.
H.R. 6180: Mr. FARR and Ms. EDWARDS of Maryland.
H.R. 6381: Mr. KUCINICH.
H.R. 6411: Mr. FLAKE.
H.R. 6462: Mr. HALL of New York.
H.R. 6495: Mr. ROTHMAN.
H.R. 6548: Mr. PLATTS and Ms. ESHOO.
H.R. 6562: Mr. MCNERNEY.
H.R. 6567: Mr. PASCRELL.
H.R. 6597: Ms. DELAURO, Mr. KIRK, Ms. MATSUI, and Mr. EMANUEL.
H.R. 6603: Mr. KIND.
H.R. 6643: Mr. HOLT and Ms. NORTON.
H.R. 6659: Mr. WELDON of Florida, Mr. HENSARLING, and Mrs. BACHMANN.
H.R. 6680: Mr. HARE.
H.R. 6694: Ms. SUTTON, Mr. TOWNS, and Mr. BERMAN.
H.R. 6702: Mr. ROTHMAN.
H.R. 6725: Mr. KLEIN of Florida and Mr. MARKEY.
H.R. 6798: Ms. BORDALLO.
H.R. 6867: Mr. ENGLISH of Pennsylvania.
H.R. 6873: Ms. KAPTUR, Mrs. BOYDA of Kansas, and Ms. GIFFORDS.
H.R. 6884: Mr. ALLEN.
H.R. 6896: Mr. BUTTERFIELD.
H.R. 6905: Mr. KUCINICH.
H.R. 6939: Mr. GOODE and Mr. BOSWELL.
H.R. 6941: Ms. SCHAKOWSKY.
H.R. 6949: Mr. SHAYS.
H.R. 7013: Ms. ROYBAL-ALLARD and Mr. HARE.
H.R. 7064: Mr. INGLIS of South Carolina.
H.R. 7079: Mrs. CHRISTENSEN.
H.R. 7104: Mr. LOBIONDO.
H.R. 7119: Mr. MARIO DIAZ-BALART of Florida.
H.R. 7122: Mr. KUCINICH.
H.R. 7125: Mr. HONDA.
H.R. 7130: Ms. BORDALLO, Mr. HINCHEY, and Ms. SCHAKOWSKY.
H.R. 7152: Mr. JEFFERSON and Mr. HINCHEY.
H.R. 7162: Mr. GRIJALVA.
H.R. 7181: Mr. LEWIS of Georgia.
H.R. 7209: Mrs. CHRISTENSEN.
H.R. 7211: Mr. HINCHEY.
H.R. 7219: Mr. HALL of New York, Mr. ISRAEL, Ms. SLAUGHTER, and Mr. BISHOP of New York.
H.R. 7223: Mr. BACHUS, and Mr. WITTMAN of Virginia.
H.R. 7226: Mr. MCCOTTER.
H.J. Res. 91: Mr. KUCINICH.
H. Con. Res. 425: Mr. FERGUSON and Mrs. BONO MACK.
H. Con. Res. 434: Mr. SMITH of New Jersey and Mr. MORAN of Kansas.
H. Con. Res. 438: Mr. PAYNE.
H. Res. 758: Ms. FOXX and Mr. LINCOLN DAVIS of Tennessee.
H. Res. 1164: Mr. MCCOTTER.
H. Res. 1328: Mr. BILBRAY, Mrs. TAUSCHER, Ms. DELAURO, Ms. HARMAN, Mr. GOODE, Mrs. BIGGERT, and Mr. SARBANES.
H. Res. 1397: Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. HONDA.
H. Res. 1405: Mrs. SCHMIDT.
H. Res. 1452: Mr. ABERCROMBIE.
H. Res. 1462: Mr. HERGER and Mr. ENGEL.
H. Res. 1477: Mr. RAHALL, Mr. THOMPSON of Mississippi, and Mr. INGLIS of South Carolina.
H. Res. 1478: Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. PAYNE, Mr. PICKERING, Ms. BERKLEY, Mr. FORTUÑO, Mr. KLEIN of Florida, Mr. ORTIZ, Ms. MATSUI, Mr. MOORE of Kansas, Mrs. MALONEY of New York, and Mr. TOWNS.
H. Res. 1482: Mr. INGLIS of South Carolina, Mr. BROWN of South Carolina, Mr. PENCE, and Mr. AKIN.
H. Res. 1522: Mr. GEORGE MILLER of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

326. The SPEAKER presented a petition of the National Lieutenant Governors Association, relative to a resolution for children's low-cost laptops; to the Committee on Education and Labor.

327. Also, a petition of the National Lieutenant Governors Association, relative to a resolution advocating better health care for all; to the Committee on Energy and Commerce.

328. Also, a petition of the National Lieutenant Governors Association, relative to a resolution in support of establishing a national international education policy; jointly to the Committees on Foreign Affairs and Education and Labor.

329. Also, a petition of the National Lieutenant Governors Association, relative to a resolution to establish a national military family relief fund; jointly to the Committees on Ways and Means and Armed Services.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, OCTOBER 2, 2008 No. 160

Senate

(Legislative Day of Wednesday, September 17, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, today we open our hearts to You as we remember that You are our help in ages past and our hope for years to come. Lead our Senators as they recall Your care over our Nation in the past and Your mercy which follows us all our days. Bless the many people who work long hours on the Senate staffs and reward them for their diligent faithfulness.

Heal the sick, make strong the wavering, guide the perplexed, and befriend the lonely. Today, may faith replace fear, justice triumph over greed, and peace conquer strife.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning following leader remarks, we are going to be in morning business with Senators allowed to speak for up to 10 minutes each. There will be no rollcall votes today.

TRIBUTE TO SENATORS

CHUCK HAGEL

Mr. REID. Mr. President, I want to spend just a few minutes today talking about CHUCK HAGEL, the Senator from the State of Nebraska.

I was raised in an environment where things were physical—football, baseball, boxing, fighting, and being tough. That was important. And as I have looked through the Senate over these years, there is no one that fits that bill more than CHUCK HAGEL. The senior Senator from the State of Nebraska is both physically and mentally very tough.

Senator HAGEL is a person who suffered multiple broken noses playing high school and college football and, as we read in his book, an occasional scuffle off the field. Senator HAGEL is a man who won a football scholarship to go to college because of his athletic prowess but had to change his plans when injury left him with an uncorrectable pinched nerve in his neck.

Senator HAGEL is a man who risked his own life on many occasions, but on one occasion risked his own life and suffered terribly to save his brother's life in the jungle of Cambodia during the Vietnam conflict. Senator HAGEL is a man who still carries shrapnel from his heroic uniformed service to our Nation.

Senator HAGEL tells the story in his book about his childhood, that when he and his brother Tom were growing up, the Hagel family moved around Nebraska to seven different houses in small Nebraska towns. The seven places he lived formed a loop around the State. So when CHUCK first ran for the Senate in 1996, he could go almost anyplace in Nebraska and tell local crowds, ''it's good to be home.''

When CHUCK HAGEL's draft number was called in 1967, he was given an order to ship out to Germany after being inducted. But he said: I don't want to go to Germany. The war is in Vietnam. So he asked to change his orders to go to Vietnam where the action was. What this young man from Nebraska believed was that fighting a war meant going to the front lines, not someplace thousands of miles away. So that is where he wound up.

Since the Sullivan brothers' deaths in World War II, it was not very often that siblings found themselves in the same combat zone fighting, but that isn't what happened in this situation with the Hagel brothers. No one really knows how—they think it was a stroke of luck, but it remains a bit of a mystery—CHUCK HAGEL and Tom Hagel wound up in the same infantry, same

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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fighting unit, fighting shoulder to shoulder in the jungles of Cambodia.

Mr. President, in the span of less than a month, these two brothers each had the chance to save the other's life. Not only did they have the chance, but they took that chance and they were successful. Here is one account:

> One of the soldiers . . . hit a trip wire, setting off a mine that had been placed in a tree so that it would detonate at face level. Bodies, body parts and shrapnel were blasted back into the ranks as the squad was crossing a stream. Tom picked himself up and looked for his brother. What he saw was a 'geyser' of blood gushing from Chuck's chest. Tom, then only 19, stanched the bleeding and bandaged the wound, only then noticing that he'd been hit himself in the arm. Twenty-five days later, it was Chuck's turn to rescue Tom when their troop carrier hit a hand-detonated mine as it emerged from a village in the delta. Tom had been in the turret behind a .50-caliber machine gun. He was unconscious, not obviously alive, when his brother got to him. The blast had blown out Chuck's eardrums and severely burned his left side, but knowing the carrier might soon explode, he worked feverishly to pull Tom from the wreckage, then threw his body on top of Tom's as Vietcong fighters in ambush sprayed the area with gunfire.

For this remarkably courageous service, SGT CHUCK HAGEL was decorated with the Vietnamese Cross of Gallantry, the Army Commendation Medal, the Combat Infantryman Badge, and two Purple Hearts.

After the war, CHUCK HAGEL came to Washington and worked on Capitol Hill. By the age of 26, he was chief of staff to Congressman John McCollister of Nebraska. Within 10 years, he was appointed by President Reagan to be the second highest ranking official in the Veterans Administration. But very typical of CHUCK HAGEL, after just a few months during his term of service, he spoke out against a cut in benefits to Vietnam veterans and quit the Department in protest. This was not the stepping stone to an impressive career in Washington, as some had thought, because CHUCK HAGEL spoke out against something he thought was wrong.

When Senator HAGEL left Capitol Hill, he scraped together whatever money he could find by selling a car and cashing in life insurance policies to invest in an upstart business that built networks for wireless phones. Within a few years, CHUCK HAGEL's company was one of the most successful cellular telephone providers in America. He entered the American system of free enterprise and was extremely successful. But after succeeding in business, CHUCK returned his attention to politics and won a seat in the Senate in 1996.

I have served with CHUCK HAGEL in the Senate for 12 years. One would be hard-pressed to find a more conservative Member than the senior Senator from Nebraska. Although our political philosophies differ, I know CHUCK HAGEL to be one of the bravest and most fiercely independent Members of this legislative body. He has been a deficit hawk when others in his party abandoned fiscal restraint.

He crossed the aisle and worked with my predecessor, Senator Daschle, as well as Senator KENNEDY and Senator MARTINEZ on the Republican side, to seek a comprehensive immigration plan that would be both tough and compassionate but, above all, fair.

He served the people of Nebraska well as a member of the Foreign Relations Committee, the Banking Committee, the Housing and Urban Affairs Committee, the Intelligence Committee, and the Rules Committee.

I will be forever grateful for the courage Senator HAGEL has shown on the Iraq war. He spoke out early against the war, he spoke out often, and he was right. As all Senators know, speaking up against a hallmark policy of one's own party is no easy task. With Senator HAGEL's help, we were able to move the debate forward and to finally provide some oversight on the incompetent management of the war. Although Senator HAGEL will not see the end of the war as a Member of this body, there is no doubt that his courage has brought us closer to that day.

One of the most remarkable days in my political career was the time when we were working on how to do something to change the course on the war in Iraq. I went and visited Senator HAGEL in his office. As you walk in, you see a picture of Tom and CHUCK HAGEL in a mechanized vehicle in the jungles of Cambodia—or Vietnam. I don't know exactly where it was, but Southeast Asia. He is very proud of his military career. But we visited, and I probably wouldn't be a very good salesman, selling automobiles or a house because it was hard for me to close the deal, saying: CHUCK, will you vote with me? At home that night, he called me and said words to the effect: I listened to you; I'm going to vote with you.

His vote made the difference. It allowed us to carry the day and send a bill to the President that the President vetoed. Senator HAGEL didn't wait for me to close the deal, he closed the deal. I have great admiration and respect for him and what he did that night. I think he changed the direction of the country and how it felt about the war in Iraq, and it allowed the people in America to know that we could do something, that we are not powerless.

It is well known that Senator HAGEL has been considered on more than one occasion as a candidate for President or Vice President. Here is what he said, though.

> I don't have to be President. I don't have to be a senator. I just have to live with myself.

So whatever path CHUCK HAGEL follows next, he, his wife Lilibet, and their daughter Allyn and son Ziller, should have the deepest pride in the lasting impact of Senator CHUCK HAGEL's patriotism and service for the betterment of the Nation we love through both the military and the Senate, where he has served so gallantly.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATORS

Mr. REED. Mr. President, I rise this morning to recognize and pay tribute to several colleagues who are concluding distinguished careers in the Senate. These gentlemen have distinguished themselves. They have dedicated themselves to representing their States and representing the best interests of the Nation.

PETE DOMENICI

Senator PETE DOMENICI is an individual who has worked many years to strengthen our country in so many different ways. He has been a key member of the Committee on Energy and Water, and he has been a key member of the Appropriations Committee and the Budget Committee.

He was first elected to the Senate in 1972—36 years of outstanding service to the Nation and to his State of New Mexico.

He will be remembered for many things but particularly for his unswerving commitment to mental health parity in the health care system. It is fitting that legislation we passed will bear his name, along with that of Senator Paul Wellstone. Senator DOMENICI's advocacy for those with mental illness, his understanding of these issues in a profoundly personal way, accounted for the momentum and ultimately the success of the legislation. I commend him and thank him for his service.

LARRY CRAIG

Senator Larry Craig, with whom I had the privilege to serve on the Committee on Appropriations, is someone who has vigorously defended his positions in the Senate. We have disagreed more often than agreed, but our debates have been both vigorous and civil. I can recall managing the legislation, Senator CRAIG on the opposing

side, with respect to issues of guns and firearms. I recall a debate that was vigorous, robust but principled. I appreciate that effort and his service.

WAYNE ALLARD

There are three Senators with whom I have had the opportunity to serve closely. They are people I respect immensely and wish the best to as they go forward. WAYNE ALLARD and I came to the Senate together. We were in the House of Representatives together. We have served on both the Armed Services Committee and the Banking Committee together. It seems, indeed, that on the Banking Committee, we were either the subcommittee chair or ranking member, depending on who has the majority, throughout our career in the Senate. In that effort, we worked closely with Senator ALLARD and his distinguished staff on issues with respect to homelessness, housing programs, many areas of endeavor. He has been a distinguished individual who has done a great deal, not only for the State of Colorado but for national housing policy and for many other areas of endeavor.

On the Armed Services Committee, I had the privilege of working with him. He applied his energy and efforts to clean up the Rocky Flats plant, a nuclear facility in Colorado. He has made a lasting and extraordinary contribution to his State through those efforts. I commend him for all those. I wish him well as he goes forward.

JOHN WARNER

Senator JOHN WARNER was my chairman on the Armed Services Committee. Frankly, he represents the model of a Senator. His integrity, judgment, and decency resonate throughout this Chamber and will make a lasting impression on this body. He has served Virginia with distinction. He has particularly served the men and women of our Armed Forces with distinction and unfailing dedication. Part of that comes from his own experience. As a young man he joined the Navy and then later was in the Marine Corps. His own experience, later amplified by his service as Secretary of the Navy, left an indelible impression upon him. That impression is the fact that all the great decisions made in Washington ultimately must be borne by young men and women who serve in uniform. He has never forgotten that. He has never forgotten that decisions we make play out in the lives of soldiers and sailors, marines, airmen, and their families. That unfailing sense of obligation to these young Americans is a profound contribution he has made.

He is also someone who on many occasions has defied the current tides of popular opinion. I recall that when the deplorable incident surrounding Abu Ghraib broke, there was a sense in some quarters that we should try to avoid mention of that, that we should minimize the issue. Senator WARNER recognized we couldn't do that, that we owed it to the men and women in the Armed Forces to look at the issue carefully so it would not be repeated, to ensure that it was, as it truly was, an aberration in the otherwise extraordinary dedication of our forces, not just to the military profession but to the ideals of decency that have been the hallmark of the American fighting man and woman throughout our history. His efforts there will be ruled as a remarkable display of placing the needs of country and respect for the institution of the military above any partisan political concerns. He is someone who has made a huge contribution. Again, that contribution will resonate throughout the history of this country, particularly the history of the Senate.

CHUCK HAGEL

Finally, let me pay tribute to a dear friend and colleague. We entered the Senate together 12 years ago. Senator CHUCK HAGEL has represented Nebraska with rare insight and extraordinarily good humor for 12 years. He is one of those individuals who is respected and liked by everyone because he is an extraordinarily decent person, someone who takes his job seriously but himself not so seriously. He is someone I have had the privilege to travel with across the globe—Russia, Afghanistan, Singapore, the Philippines, northern Africa, and back again to Afghanistan and Iraq. He, too, has a rare dedication to the men and women of the armed services, born of his own personal experiences. As a young man he chose not only to join the U.S. Army but to serve in Vietnam. He had the opportunity to be posted to Germany. He would have served out his time and left. But he decided he had to march to the sound of the guns. His brother was already there. Together in the same unit, he and his brother served the U.S. Army. He was wounded in action, received the Purple Heart. He came back as a veteran and continued his education and then built a very successful business career. But he never lost sight of those men and women who serve in uniform. He is very active in the USO. He is someone who was active in veterans affairs. Then, finally, when he was elected to the Senate, he took his learning, his experience and appreciation and played a major role on the Foreign Relations Committee. His commitment to a broad multinational policy of using our alliances, of building our power not just through our military power but through diplomatic and reputational power has made a significant contribution to the country, not just for the moment but for many years. He is leaving the Senate to pursue other endeavors. I wish him well. He has been a remarkable friend. He, Lilibet, and their children, Allyn and Ziller, are a remarkable family. I will miss him particularly. I salute him, thank him. He, to me, is the very model of a Senator who has served his country in different ways and now has chosen to continue to serve in other ways. I am sure he will continue to contribute to the country.

To these Members, I wish them well. I thank them personally for their kindness to me and their thoughtfulness on so many other occasions.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise also to speak about a very important topic, and that is the need to enact legislation to help unemployed Americans amid the current economic downturn. Yesterday, we passed an unprecedented package of support for the financial markets. There are many Americans who are suffering as grievously as our financial markets and those who work in the financial markets. There are an estimated 800,000 unemployed workers who will begin to run out of emergency unemployment compensation because jobs are too scarce in the current economic climate. We cannot turn our back on these 800,000 Americans. We need to help them. In June, I was pleased by the inclusion of 13 weeks of emergency unemployment compensation to all States in the war supplemental spending bill. This help was critical and something I had advocated for a very long time.

Too many individuals in our States who have been unemployed are still looking for work, but they can't find it and they are running out of benefits. The labor market continues to deteriorate. This impact is becoming magnified as a result of the continued unravelling of the financial marketplace. We are seeing—in fact, one of the reasons we acted last evening—credit markets seize up. We are seeing auto sales lots not able to finance the acquisition of cars and buyers not able to buy automobiles. We are seeing a host of problems that manifest themselves in GDP statistics, unemployment statistics, and in the lives of ordinary Americans it is manifested in the stark reality of no work and a family to support. We have experienced the eighth straight month of job declines. Unemployment has soared to a 5-year high of 6.1 percent; 16 States now have an unemployment rate of 6.5 percent or greater. New national unemployment numbers for September will be released tomorrow morning. It is expected that these numbers will continue the downward trend, given the sustained notices of plant closings, mass layoffs, and cutbacks for small businesses trying to survive in this environment. In my State of Rhode Island, the situation is more bleak: 8.5 percent are jobless right now. It is the second highest level in the Nation, a jump of over 3.4 percent in the course of the last year alone. We are hemorrhaging jobs in Rhode Island. It is the highest unemployment rate in Rhode Island since November 1992.

In addition to this evaporation of jobs is the acceleration of prices. Gasoline, food, and health care costs are all accelerating. Families are caught in a tremendous squeeze. That is why I am pleased to have introduced bipartisan legislation, which has been cosponsored

by more than 20 of my colleagues, including the chairman of the Senate HELP Committee and the Finance Committee, Senators KENNEDY and BAUCUS, to extend unemployment insurance benefits so people can pay their bills while they look for work. This measure provides 7 weeks of federally funded unemployment insurance for individuals who have exhausted their benefits, and it provides 13 additional weeks of benefits to unemployed workers in States that have been hit particularly hard by this economic downturn, States that have unemployment rates above 6 percent. Right now 17 States would qualify for this high unemployment figure.

The bill also includes a provision to help qualifying States, such as Rhode Island, replenish their unemployment insurance trust funds which help cover a portion of unemployment insurance benefits. The Senate stimulus package that failed last week included these same provisions to extend unemployment insurance. We need to take aggressive steps to help these families who are struggling to make ends meet. I ask that my colleagues join me in supporting this legislation.

I was prepared to ask consent to pass this legislation, S. 3507, today, but I understand there is an objection by the minority. Passage of this legislation is vital. Since it appears there will be a lameduck session after the election, I will work with my colleagues to bring this legislation, if possible, to that lameduck session to get it passed. We have to help these Americans.

In summary, if we could afford to authorize $700 billion last evening to assist financial forces to unclog credit markets, to begin to provide support for the economy, then we certainly can afford to help individuals who are looking for work and can't find it and are desperate. It is only right. I hope we can do that when we return.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Colorado is recognized.

TRIBUTE TO SENATORS

JACK REED

Mr. ALLARD. Mr. President, I wish to make a comment about the Senator from Rhode Island before he leaves the floor. I have had the distinct privilege of serving with my colleague on a number of committees during my tenure in the Senate. I want the people of Rhode Island to know what a class act he is in representing their State in the Senate. It has been a thrill to be able to work with him on issues. We were on a couple subcommittees together and actually shared the chairmanship and ranking position depending on who was in control of the Congress at that time, whether it was Republicans or Democrats: the Personnel Subcommittee and the Strategic Forces Subcommittee, both very important subcommittees in the Armed Services Committee. Then we found ourselves on the Banking Committee. We found ourselves again working as the top Republican and top Democrat on housing and mass transit issues. We worked together on transit security issues. And now we are together on the Securities, Insurance and Investment subcommittee.

Senator JACK REED from Rhode Island comes from a different part of the country. He has different issues that are important to him. I come from the West. I have different issues that are important to me. But we were able to find a lot of commonality and work together in a professional way. I attribute a lot of that to the high moral standards, dedication, and ability to work with others of my good friend from Rhode Island, JACK REED.

I want him to know what a pleasure it has been for me to be able to serve on the various committees with him through my tenure in the Senate.

I am getting ready to retire with the close of this session. So I wished to make a few comments and to recognize a few people whom I have appreciated working with, and particularly I wish to recognize Senator JACK REED from Rhode Island because he is a topnotch Senator and somebody I have enjoyed working with.

Mr. REED. Mr. President, if the Senator will yield, I say to him, thank you very much. Let me express my appreciation for your extraordinary assistance and help and collegiality. I wish you well. You represent the very highest traditions of integrity, dedication and decency and I wish you well. Thank you.

Mr. ALLARD. I thank the Senator very much. The Senator from Rhode Island is one individual I am going to miss being able to work with.

Mr. President, I wish to make some remarks about leaving the Senate, but I do see the top Republican is here.

Mr. MCCONNELL. Mr. President, will my friend yield for a question?

Mr. ALLARD. Yes.

Mr. MCCONNELL. I was wondering: I came to speak on behalf of my good friend, our senior Senator from Colorado. I wonder if he would object to my going ahead and making my comments about him prior to his speech? Or would that create a scheduling problem for the Senator from Colorado?

Mr. ALLARD. Mr. President, that does not create a problem for me and, I say to the Senator, I appreciate your willingness to come down and say a few words. When you are finished, I also would like to say how much I have appreciated your leadership on the Republican side. I think you have been a superb leader. I think we have been fortunate to have your leadership in the Senate during some very tough times. A lot of leaders have come and gone. I have always felt comfortable in supporting you all along. Sometimes I can be frustrating because of my commitments to my constituents and maybe my commitment to my issues, but you have been very tolerant of me, and I appreciate that very much.

I yield the floor to the top Republican.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my good friend from Colorado. I am here to talk about his distinguished career.

WAYNE ALLARD

Mr. President, as the 110th Congress draws to a close, we must reluctantly say goodbye to some friends who will be leaving us. That includes, as we have been discussing, my good friend, the senior Senator from Colorado.

As the Republican leader, I get to work closely with each and every one of our colleagues on this side of the aisle. The thing that has always impressed me the most about Senator ALLARD is the fact that he is a true citizen legislator in the model our Founding Fathers envisioned.

The Founders favored ordinary citizens of extraordinary wisdom. Those who step forward from among the people they represent and return to them when their time here is done.

So it is with WAYNE ALLARD. He is retiring from the Senate because he is following a two-term pledge he set for himself when he was first elected in 1996. In the spirit of George Washington, he voluntarily retires ''from the great theatre of Action'' to return to the people and the place he has so ably represented.

Anyone who knows Senator ALLARD knows he is a big believer in keeping close contact with the people he represents. As a member of the Colorado State senate, he passed legislation limiting the length of legislative sessions to 120 days to better ensure that State lawmakers stayed in touch with their constituents.

After election to the Senate, he made a promise to Coloradans that he would visit every one of the State's counties every year—a promise he kept, keeping him in sync with Colorado sympathies and values.

Even more impressive are the 700 town meetings across Colorado that Senator ALLARD has held since his election to the Senate.

As a Senator, he has hosted the Allard Capital Conference, which brings Colorado community leaders to Washington to see the workings of the Federal Government up close—and to keep the Federal Government accountable to the people who elected them.

If I may add, I have had the pleasure of speaking to the Allard Capital Conference attendees on more than one occasion, and I have always admired how Senator ALLARD has stayed tied to communities across Colorado. He is always seeking to bring them closer to their elected representatives.

For 12 years, Senator ALLARD has been a strong voice for returning power from Washington back to the people and to the States. He has been a strong voice for lower taxes and lower Federal spending. Hailing from the Rockies, he has been a strong defender and protector of our environment.

Senator ALLARD has a different background than most of his colleagues. Born and raised in Colorado, the son of a cattle rancher, he had a successful career as a veterinarian. He and his wife Joan started their own animal hospital. He maintained his successful practice while serving as a State senator, and was elected to the House of Representatives for three terms starting in 1990.

I have had the pleasure of working alongside WAYNE on many issues over the years. We have been allies in pushing the Department of Defense to safely and efficiently dispose of deadly chemical weapons stored in the Blue Grass Army Depot in Kentucky and the Pueblo Depot in Colorado.

I have watched with admiration as he fought to establish the Rocky Flats National Wildlife Refuge, which is crucial to preserving the natural habitats of so many diverse species in Colorado.

That success came after he successfully pushed, as a Member of the House, legislation to make the Rocky Mountain Arsenal site a wildlife refuge, turning a site that was once a manufacturing center for nerve gas and other chemical weapons into what is now one of the largest urban wildlife refuges in the Nation.

WAYNE has fought to get aid for workers in Colorado who were exposed to unhealthy amounts of radiation at nuclear weapons facilities. He has also taken the lead on passing legislation to preserve the Great Sand Dunes National Park and Colorado's Spanish Peaks mountain area. With his retirement, Colorado is losing a longtime champion of conservation and environmental protection.

Senator ALLARD has been a consistent and strong supporter of our military and our national security interests. He led the debate on establishing a system to protect America from ballistic missile attacks, and he has supported funding and rigorous testing for such programs.

He has passed legislation multiple times to improve the system of voting for our men and women in uniform serving overseas, making sure the brave warriors who protect America are heard when it is time to elect America's leaders.

With all these accomplishments, and many more, the senior Senator from Colorado is going to leave some very big shoes—maybe it is better to say boots—to fill come next January.

He is also going to leave behind many friends. I am proud to call myself one of them. Elaine and I have enjoyed getting to know WAYNE and Joan and their family over the years. We have had a chance to have dinner together from time to time, just the four of us. We will miss the common sense and grace they have brought to our Nation's Capital.

We are sorry to lose such a fine Senator. But as WAYNE has said himself about his pledge on term limits: A promise made should be a promise kept.

The people of Colorado should be proud that their Senator ends his tenure with integrity, with honor, with humility—the same integrity, honor, and humility he brought when he came to the Capitol.

WAYNE, we all wish you the best of luck for whatever the future holds. You will always have friends in the Capitol. We look forward to seeing you and Joan in the coming years.

The PRESIDING OFFICER. The senior Senator from Colorado.

MITCH MC CONNELL

Mr. ALLARD. Mr. President, I thank the Senator from Kentucky for his more than generous remarks. Joan and I have been thrilled to have been able to work with you and your lovely wife on many issues. The people of Colorado need to know I got things done in this body because of your help and your assistance. Many times we shared common issues that we wanted to see move forward. But lots of times you were more than generous in giving me an opportunity to put forth my bills and my arguments on various bills, and I will forever be thankful for that.

I think the country needs to know that in your wife and you we have two great leaders in this country. I brag about both of you when I get back to Colorado and talk about those people who I think have made a huge influence on this country and have set a great example for Americans.

So I thank you. I thank you for your continued leadership. I look forward to your continuing to serve in this body. America needs you, and the people of Kentucky ought to be thankful they have such a fine Senator.

Mr. MCCONNELL. Mr. President, I thank my good friend from Colorado.

Mr. ALLARD. I thank the Republican leader.

FAREWELL TO THE SENATE

Mr. ALLARD. Mr. President, I would like to now wrap up with a few comments. I have now spent 12 years in the Senate, 18 years in the Congress all together, when you consider the 6 years I served in the House of Representatives. I can say it has been a great experience. In my view, I have represented the best State in the Union. We refer to it as the ''Centennial State'' because it joined the Union exactly 100 years after we became the United States.

It has always been enjoyable to talk to my colleagues and talk to visitors to the Capitol about my State of Colorado because they have usually had great experiences when they have visited my State. It is a tourist attraction. We have a lot of things that bring people to Colorado. It is a beautiful State. People have great vacations when they go there, and they are more than anxious to share their wonderful experiences with me, share the wonderful and welcoming attitude they experienced from the people of Colorado, and share with me how much they have enjoyed visiting the great State of Colorado.

And, when people get tired of talking about the great State of Colorado, we have always been able to talk about their favorite cat or their favorite dog because, as a veterinarian, it has always been a common interest among many of my colleagues in the Senate, as well as visitors to our office, to talk to me about their favorite pet. So it has been a wonderful experience.

This is the greatest legislative body in the world. It is an honor to serve here. There are a lot of dedicated employees who have helped me get things done in this body. They put their own political preferences aside and thought of the well-being of the institution. They have always been very polite and most supportive and helpful. I wish to thank them.

I have had great employees in my office. I wish to mention that you get things done because of the people with whom you surround yourself. I have two members who are currently on my staff who have served with me since I was first elected to the Congress. I was elected to the House of Representatives in 1990. They came in with me and worked with me on the House side for 6 years and then they came over here and continued to work in my office for the last 12 years. I appreciate their dedication. Those kinds of people don't come along everyday. They spent 18 years with me, bless their souls. The two I speak of are Sean Conway and Doris Morgan. Both of them have been dedicated staff people who have helped to make my service to the people of Colorado successful.

There are also some staffers who joined me after I became a Senator in 1997, in addition to the two I mentioned, including Andy Merritt, who is now my State director; Dick Poole, who is one of my top staff people; Tewana Wilkerson, who has helped me on the Banking Committee; and Kris Hanisch, who has helped us balance our books as well as helping us to move through the maze here in the Senate. We do have our own little bureaucracy in the Senate. She knows it and understands it and has helped us move through it. She has been my office manager and has kept us on the straight and narrow. I appreciate the dedication of all of the employees who have worked with me.

I have a great group of employees currently serving me in my office. We have had a number of people who have come and gone, but I never felt it was because they were disappointed in having to work in our office. When I talked to people who came to work as employees in my office, I would say: If your ultimate goal is to work in a Senate office, I want you to rethink your goals. I want you to get an experience here that will help you grow once you leave the Senate, so you can be a better citizen, so you can contribute more fully to whatever path you decide to assume once you leave this great body and leave our office. So I have always tried to encourage them to think about

where they want to go. We have had employees who have worked in my office, continued their education, and have become very outstanding. I have a number of former staff people who are actually serving in elected office; I think some five or six people right now who are serving. They decided to go back to Colorado and pursue elected office. I congratulate them, as they are very active citizens in their communities.

I wish to mention some of the committee chairmen I have had an opportunity to work with. One of the committees I was successful in getting on was the Budget Committee, with PETE DOMENICI as chairman, and then JUDD GREGG following him, and now we have Senator KENT CONRAD. All of these chairmen have been very gracious and helpful in working with me on issues.

Then I have had the chance to serve on the Armed Services Committee. Senator JOHN WARNER, a great friend, and somebody who is retiring and who has been very helpful, served as the chairman of that committee while I was on the Armed Services Committee.

I also served on the Banking Committee. The first chairman I served under was Phil Gramm and then RICHARD SHELBY and now CHRIS DODD. I have to say I have been blessed with great leadership on all of those committees.

I also served on the Intelligence Committee. I served with Senator SHELBY, who was chairman, and Senator Kerrey who was ranking member at the time I served on the Intelligence Committee.

Now I serve on a different committee this Congress, the HELP Committee. It deals with health, education, pension and labor issues. My well-known colleague here in the Senate, Senator KENNEDY of Massachusetts, is chairman of that committee. He is a wonderful person and someone whom I greatly appreciate and who has spent a lot of time in Colorado, I might say.

I also serve with my very good friend who was chairman of that committee for a while, Senator ENZI. I couldn't ask for a better friend. He is from Wyoming, a neighbor of Colorado. So we had many issues in common, and both Joan and I consider Diana and MIKE ENZI as our very good friends.

PETE DOMENICI

I wish to say a few things about those people who are retiring, starting with Senator PETE DOMENICI, who I mentioned was my chairman on the Budget Committee. I have worked with him also on the Appropriations Committee. I worked with him on energy issues and issues that are common to New Mexico and the State of Colorado. His service here in the Senate has been remarkable and dedicated. The West has been blessed that we have had such a good spokesman as Senator DOMENICI out there, carrying many of the issues that are important to his neighboring States, as well as New Mexico. The institution will miss him. I am sure New Mexico will miss him. I consider it an honor and a pleasure to have served with him.

JOHN WARNER

Senator WARNER I mentioned earlier. We couldn't ask for a greater statesman. He has made a number of trips to Colorado. I worked with him on the Defense Authorization bill. He has been more than considerate and helpful to those issues that are important to Colorado. He has been supportive on matters that we worked on for Fort Carson and for Peterson Air Force Base and the Air Force Academy and the many other issues involving the military and military installations we have in Colorado. He has been tough at times, but his leadership has been greatly appreciated by me. I think the Senate and the country have been blessed because Senator WARNER has been willing to dedicate so much of his time and effort to making this a better country, a stronger country. He is somebody I am very proud to have been able to serve with.

LARRY CRAIG

Also retiring is Senator LARRY CRAIG from Idaho, another westerner with whom I found a lot in common. He and I both have strong agricultural roots. He has been a very strong advocate of those issues important to the West and his State of Idaho. Again, I have appreciated working with him on national park issues and public lands issues. He is a superb individual.

CHUCK HAGEL

Another individual I wish to recognize who is retiring is Senator CHUCK HAGEL from Nebraska; again, one of the neighboring States of Colorado. The State of Nebraska is downstream from Colorado. So we have ribbed each other a little bit about water issues. Basically, though, we have been partners on water issues. We have been able to work together on many issues that have improved the management of water in the Platte River drainage system, which is one of the many rivers that originates in Colorado and flows downstream. I also worked with Senator HAGEL on the Banking Committee. He was one who pushed early on for the reform of Fannie Mae and Freddie Mac. He brought to this institution a great deal of experience. Again, he has decided to retire the same year as I have. I will always remember Senator CHUCK HAGEL and our relationship and how we have been able to work together, I think for the betterment of both of our States.

I would be remiss if I didn't brag about my partner and my wife, Joan Allard. Joan has spent much of her time being with me, whether I have been in Colorado or here in the Senate. Senator MITCH MCCONNELL talked about the town meetings she attended. She attended about as many of those town meetings as I. It has been kind of embarrassing at times because sometimes the number of people who came just to see her in the back of the room was large and they were having more fun back there than I was, up front trying to conduct the meeting. People loved Joan as they got to know her throughout the State of Colorado. Her dedication to me and to her family and the people of Colorado is remarkable and unique. We are known as partners here in the Senate. Wherever I go, Joan is very close by, and people are used to seeing us both at receptions. Many times I was invited to events where they wanted me to come alone. I said: No, I want my wife with me, and if you can't accept my wife, maybe we won't make the reception, because she is somebody who I didn't want to be divorced from this process. She has been willing to make a personal commitment in time and in supporting me in my work. So I wanted to make sure that the responsibilities of serving in the Senate didn't drive a wedge between what a wonderful relationship we have had. She worked side by side with me at the veterinary hospital. We worked and met the challenges of raising two wonderful daughters whom we are very proud of, and now we are seeing grandsons coming up. So I couldn't have asked for a more dedicated wife. We still have a lot ahead of us. I am very pleased that she was willing to take an interest in my job of representing the people of Colorado.

The first vote I took in the House and in the Congress was on whether to authorize the first Gulf War in 1991. That was a tough vote. I have now possibly cast my last vote on the economic bailout or the stabilization act we voted on yesterday. So my congressional career has been bookended by hugely significant votes that have humbled me in terms of the trust the people of Colorado have granted. I wish to thank the people of Colorado who have been supportive and who have expressed their views to me in my town meetings, letters, e-mails, faxes, and phone calls. My office has sent out roughly 2.1 million constituent letters since I was sworn in. I say honestly that I relish every opportunity to hear from and explain myself to the people of Colorado. Even those who weren't supportive and who expressed those views in town meetings, letters, e-mails, faxes and phone calls, I thank them for that.

I have no regrets and leave this institution with a clear conscience. I feel as though I have been true to my campaign promises and have worked to hold down taxes, hold down spending, hold down the growth of government here in Washington, and I have fought to balance the budget. I feel as though I have worked to defend local control and keep America strong. I have kept in mind private property rights and the power of the State in managing its own water resources.

It is time to say goodbye and wish my colleagues the very best, and to wish my successor, whoever that might be, the very best. It is time for Joan and me to move on, hopefully returning to a future in the private sector. I

came to Washington with small business experience, and I hope to continue working in the business sector. The challenge, as I see it, is for future Congresses to protect the freedom that continues to create opportunity for us and future generations and to ensure that we have a secure America.

May God bless America, and may God bless Congress's future endeavors.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INMATE TAX FRAUD PREVENTION ACT OF 2008

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7082, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 7082) was ordered to a third reading, was read the third time, and passed.

EXTENDING THE AUTHORITY OF THE FEDERAL ELECTION COMMISSION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 6296, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6296) to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6296) was ordered to a third reading, was read the third time, and passed.

LET OUR VETERANS REST IN PEACE ACT OF 2008

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 778, H.R. 3480.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3480) to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3480) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

STEPHANIE TUBBS JONES ORGAN TRANSPLANT AUTHORIZATION ACT OF 2008

Mr. DORGAN. Mr. President, tragically, a month and a half ago, we lost a wonderful colleague of all of ours, Stephanie Tubbs Jones—Stephanie Tubbs Jones was a member of the U.S. House of Representatives, a wonderful Congresswoman who, whenever you met her, had a big, broad smile on her face. She obviously loved her work on behalf of her country. All of us miss her.

There is legislation called the Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008. I have worked on it in the Senate. I provided a companion bill in the Senate. Yesterday, I worked with Dr. COBURN on the other side to resolve any differences. I understand it is still being reviewed. My hope is that this legislation will be enacted today. Let me describe the importance of this legislation.

We have more than 99,000 Americans right now awaiting organ transplantation. They are on a waiting list to find an organ. In fact, two-thirds of those on the waiting list are waiting because they suffer from end-stage renal disease, and they are waiting for a kidney transplant. About 6,000 who are on that waiting list will die this year. We know how to save them, but they will die because they did not get a transplant—a kidney, heart, lung. They will die.

I have worked on this issue for many years. I recall some long while ago I worked on legislation that required every tax refund that went out to the American people in that year to be accompanied by a little sheet that told you how you could become an organ donor, how you could sign up. Seventy million Americans got a little piece of information on how to sign up to become an organ donor. On my driver's license in my wallet, it says ''donor.'' It is pretty easy to do for most Americans.

As I indicated, two-thirds of those on the waiting list are waiting for a kidney. Many will die before they get one. On the day the legislation that informed 70 million people how to become an organ donor passed, I held a press conference with a group of my colleagues. Senator Strom Thurmond came to the press conference. I believe Strom Thurmond was 90 years old then. He came to the press conference to sign a big plaque we had, to sign up as an organ donor at age 90.

You had to know Strom Thurmond to understand the irony. He was a remarkable American, a remarkable Member of the Senate. At age 90, he signed an organ donor card, and here is what he said: When I am gone, I don't know if I have anything anybody wants, but they are welcome to it. That was his notion of an organ donor card, and he signed up.

The fact is, not just in memory of our wonderful colleague, Stephanie Tubbs Jones, but in pursuit of doing the right thing. We can save a lot of lives by passing this legislation. This legislation will authorize an increase in the Federal contribution that has been the same since 1984. The Federal contribution to the Organ Procurement and Transplantation Network.

The Federal contribution to that network was $2 million in 1984, and that is what it is today. This legislation proposes an increase in that authorization—not a major increase but an increase that will allow us to do greater work to try to match those available organs with those who desperately need a donation.

The good news is that patients no longer have to wait for someone to die, for example, to get a kidney. Living donations and paired donations have dramatically increased the number of kidney donations every year. That is saving lives and, by the way, saving taxpayers money. The cost of renal dialysis is very high.

I come to the Senate floor today only to say this is a very important piece of legislation for tens and tens of thousands of people in this country who even now are waiting for an organ transplant, some of whom will die before they get it. We can save many lives with this legislation.

My hope is that at the end of today we will have cleared the bill on both

sides and then send it back to the House. They will then clear it tomorrow because it has had a very small change that we negotiated yesterday but not a material change. When we do that, we will have done something very important in terms of organ transplants and the ability to save lives in this country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. BROWN. Mr. President, last night we passed an economic stabilization plan that is intended to protect business, pensions, and jobs. I know from my State of Ohio, all too often I get plant shutdown notifications and applications for shutdown assistance, for worker retraining, for all kinds of responses to economic problems. What we did last night was particularly important because of potential lost jobs. With that bill we are trying to prevent an economic crisis.

Last week, Republican Members of this body, unfortunately, set the stage for another economic crisis. They set the stage for a crisis when they blocked a bill to extend unemployment insurance for millions of Americans and their families. Congress must extend this insurance for Americans. We have a bill to do that. I urge my colleagues to support S. 3507.

My friend from Rhode Island, Senator JACK REED, has introduced this bill that will provide an extension of insurance for all States for 7 weeks, an additional 13 weeks for high unemployment States, which means those States that have an unemployment rate of at least 6 percent.

Think about the conditions, everywhere from Lima to Zanesville, Ashtabula to Middletown in my State, and States across the country—food prices exploding, energy prices exploding, unemployment benefits running out. If that is not an economic crisis, an American crisis—not just in Chillicothe and Ravenna, it is a crisis all over this State—then I guess I don't know what the word ''crisis'' means.

Last month's jobs report from the Labor Department showed that for the eighth straight month the country has lost jobs. Eight months in a row we have lost jobs in this country.

Tomorrow we will get the latest report. I am not looking forward to it. Just last week there were 493,000—almost a half million—new unemployment claims filed, the largest number since September 2001. We know what happened that month.

Before that, you have to go back to July 1992 when the Nation's unemployment rate was 7.7 percent. The unemployment statistics, as we know, only count individuals actively looking for work. It may be convenient to characterize the unemployed as lazy, then you don't have to help them. Apparently, that is what my friends on the other side of the aisle are doing who blocked this extension of unemployment benefits. These are working people who cannot find work. These are plant shutdowns in Dayton. These are major layoffs in Mansfield. These are people who simply cannot find jobs in Columbus and Akron and Youngstown and Toledo and Bowling Green and Findlay. These are people all over my State. These are men and women who want to support their families and save for the future. These are people who want to work; they simply can't find jobs in this economy.

These are people such as Terry, in Holmes County, OH, one of the least populous counties. A veteran, after 20 years of service he wanted to return to Ohio, which he did, and get his life and family settled. His company laid off workers this past summer. He has been looking for a job, but employers are simply not hiring. His unemployment insurance ended in February.

These are people such as Patricia from Troy, OH, a small community just north of Dayton in Miami County. In Troy, that part of Ohio—Clinton County, Clark County, Montgomery County, Miami County—that part of Ohio is one of the hardest hit parts of the State and of the Nation. Patricia from Troy put it better than I could. She said:

> My husband is just another one of the 334,000 unemployed Ohioans. . . . I would like to know what we are supposed to do without. Are we supposed to go without a roof over our head? Are we supposed to go without food? Am I supposed to go without medication or the medical care I need to survive?

Unemployment compensation is an insurance program, it is not a welfare program. These are people, they and their employers, who paid into this unemployment insurance fund. That is why it is called unemployment insurance. It has been with us for 75 years, since around the time of the beginning of the Great Depression. It matters for people. It helps not just those individuals, it helps to bring money into our community, money that will be spent on the necessities of life, will create economic activity, and will help us in our economic recovery. People all over my State have asked me the kinds of questions that Patricia asked. What am I supposed to do about medical care? How am I supposed to go without food?

These people, Patricia and Terry, are not paid spokespeople. They are not lobbyists. They are watching the news. They are seeing how Wall Street's greed and mistakes have us in this crisis today. They understand intuitively that people on Wall Street betrayed them. They understand intuitively that people such as one of JOHN MCCAIN's chief economic advisers, Carly Fiorina, was let go as CEO of a major company and was paid tens of millions of dollars as a bonus, as a golden parachute, even though she was fired from this company.

They understand that they have worked hard and played by the rules. What is really amazing about this economic crisis is that the elite in this country tell us over and over: If you work hard, if you play by the rules, then you are going to do all right. You are going to be rewarded.

People in the middle class in this country have worked hard. They have played by the rules. But when they look to Wall Street and the Bush regulators, the Treasury Department, the SEC, the people who were in charge, they have gotten rid of the rules for Wall Street so the cowboy capitalists on Wall Street who don't play by the rules get rewarded handsomely while the middle class in Tiffin, in Cambridge, in St. Clairsville, the middle class in Circleville and Portsmouth, they play by the rules. They don't get rewarded even though that was the promise made by so many people in this country. These are people with real concerns and real families, from Gallipolis to Toledo, Cleveland to Akron, Mansfield to Xenia. They are people who are at the end of the line, and they are not alone.

Across the country, 9.4 million workers are unemployed and looking for work, 2.2 million more than a year ago, the highest figure recorded, as I said, since December 1992, more than 15 years ago. Even September 11 didn't cause this kind of unemployment; 9.4 million unemployed compared to 6 million unemployed in January 2001.

If Congress doesn't act this week, more than 800,000 unemployed people will stop getting their much need checks, including 22,000 people in Ohio.

Last night, this Senate, by a vote of 74 to 25, more than half the members of each party, voted because we had to. We voted. If we did not do this financial stabilization package, we knew that pensions would be threatened, we knew that student loans would disappear or interest rates would go so high they might as well disappear, and middle-class college students would lose the opportunity to go to school. We knew that some small businesses would close and others would have to lay off, costing States such as mine, which are so hard hit already, more lost jobs. We knew that was what was happening last night. That is why we passed that legislation.

The same people in the Treasury Department and the Bush administration who relaxed the rules and betrayed our country, betrayed the middle class, hurt families all over my State—those same people have blocked the extension of unemployment benefits. That is why we are not voting on it today because every time we try, Republican leaders say we can't do unemployment.

I don't know if they think unemployed people are lazy. I don't know if they think because we provide them a few dollars to get by until they can find a job and keep their families going, keep their kids in school, keep food on their tables, keep a roof over their heads—I don't know what they think. They are not going to try to get a job if they get a few dollars unemployment? It is not like unemployment is like a congressional pension. It is not like unemployment compensation is like a Carly Fiorina bailout or Carly Fiorina's bonus for failing at her company. It is not like this is a lot of money that is going to keep people so fat and happy that they do not need to work. I do not get why they would do that.

Congress needs to extend unemployment benefits for unemployed workers. We need to do it for those workers, for those workers' families, for those communities in which they live. It is in no one's best interests for Congress to twiddle its thumbs while more American families sink into poverty. An extension of unemployment insurance—not welfare, insurance—was in the economic stimulus package last week. The House may very well take up unemployment insurance extension before we adjourn. Here is why.

If we are going to talk about stimulating the economy, there is no better way to do it. Every dollar invested in unemployment benefits leads to $1.64 in growth. This is not money that people use to go out and buy a flat-screen TV made in China. This money, unemployment extension, is used for food; it is used for books for their children and clothes for their children. It is used to pay the rent. It is used to pay utility bills. These are dollars that stay in the community, dollars which help the local hardware store, help the local grocery store, dollars which provide other jobs in the community. There is no better stimulus than that.

The Congressional Budget Office says extending unemployment benefits is cost effective and fast acting. We already have the mechanism. We put money in the pipeline. The money gets into the community. It doesn't take 3 months to send out a check. It is money that can be put into the pipeline right away.

Unemployment benefits are spent to sustain families so they do not need other forms of public assistance. It gives workers the resources they need to put gas in their cars to go out and look for work. I get letters all the time from people who literally cannot afford to buy gas so they can go out and look for a job, particularly in rural Ohio, particularly in places such as Waverly and places such as Jackson and places such as Ottawa and places such as Tiffin. It is just too expensive to have to go looking for jobs in rural Ohio too often.

There is another reason to extend unemployment benefits: patriotism demands it. Our Nation is not defined by its borders, it is defined by its people. Millions of people are running out of unemployment benefits. They need our help, and they need it now. We cannot claim to be American patriots and ignore the American people. It is not just a strong military. It is not just pride of country or wearing an American flag pin. It is that, too, for sure. But patriotism is helping our people. Patriotism is a covenant we have between our Government and our people.

That means if you work hard and play by the rules—if you work hard and you play by the rules—you are able to get ahead. That means if your company closed, if your company laid off workers and you happened to be one of the unlucky souls who got laid off, it may be that the Government, your neighborhood, your country, your community, can help you until you can find your new job. Workers, their families, their communities—we cannot continue to ignore them.

When my Republican friends talk about patriotism, they talk about whatever it is we need to do—tax cuts for corporations, to provide jobs, all that. They ought to start talking about workers because we know the wealth in this country is created by productive workers. Workers in this country are more productive than they have ever been. They produce more wealth for their employers. It is time that they shared—that employers, as their profits go up, even in not-as-good economic times, as their profits go up, it is time more of that wealth was shared with workers. It is time those workers who are working their hearts out get a little reward, playing by the rules, get some advantage, get some opportunity, have the opportunity to get ahead.

We have a responsibility to listen to Americans who are not employed and probably believe they have nowhere to turn. They can turn to us. They should turn to us. We should not turn our backs on them. That is what too many people in this institution, too many people at the White House, too many people in this whole Bush-Cheney-McCain idea of how to run an economy—clearly, they have not done that good a job on Wall Street or on Main Street. It is the way they may look at things. I got elected to the Senate in 2006 because people thought their country betrayed them. They saw the drug companies writing the Medicare laws; they saw the insurance industry writing health care legislation; they saw the oil industry dictate energy policies; they saw Wall Street jam down the American peoples' throats these job-killing trade agreements. This Government, this administration, has betrayed the middle class.

We want a government where the public can turn to us, they should turn to us, and we will not turn our backs. No, we will actually embrace them and work with them. We can start by extending unemployment insurance. Senator REED has a bill to do that. We should pass it. We should move on and begin to change this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC STABILIZATION ACT

Mr. HARKIN. Mr. President, last night I reluctantly voted in favor of the Economic Stabilization Act. I want to emphasize the word ''reluctantly.'' I did so because the Nation's financial system faces serious challenges, and it was important for us to act. However, I am under no illusion. While this rescue plan will likely calm and stabilize the financial system, at least in the short term, it is not as strong as it should be in terms of protecting taxpayers' money, and it does not get at the underlying problem of what got us here in the first place.

Over the last week, I worked with a number of other Senators to improve this measure that was in the House, that the House turned down. For example, I joined with a group of Senators in developing and creating a special inspector general to oversee the emergency efforts of the Treasury Department and to investigate the inevitable waste, fraud, and abuse as the bailout goes forward. I say ''inevitable'' because when you have $700 billion sloshing around out there and you have one person sort of deciding where it goes, that just invites a lot of mischief. So we have this special inspector general to oversee that. That was a good addition. I am pleased that recommendation was included in the final bill.

I am disappointed that the limits on executive compensation in the bill are not as strong as I would have liked and others would have liked. The final decisions on executive compensation are left to the Secretary, who, by his background, training, and everything, is certainly no champion of limits on executive compensation. Look at his own background, for example. I felt and still feel we should have definitive, hard limits on executive compensation. If they are going to come in here and ask the taxpayers to bail them out, they are, in fact, becoming, effectively, like Government employees, and they should not make anything more, I have often said, than the highest paid Government employee, who is the President of the United States. If they do not like it, they do not have to come to us for the taxpayers to bail them out. So that is something we are going to have to fix.

Likewise, the final decision on acquiring stock in participating banks—that is, getting equity positions—is crucial to protecting taxpayers' money. The decision on what we do on equity is left up to the Secretary

again—either this Secretary or whoever follows this Secretary—and this Secretary has indicated he does not favor the Government taking an equity stake. Well, I beg to differ. Again, if our taxpayers are being asked to put up their money and to put this debt on their children and their grandchildren, well, they and their children and grandchildren ought to have an equity stake, and nothing less will suffice. Again, that is something else that has to be fixed.

In addition, I am disappointed that banks are still not required by law to open their books so we can determine how they valued the assets the Government will be purchasing. We need full disclosure and transparency from participating institutions. If we are going to invest taxpayers' money in these banks and acquire their debt portfolios, then we need to know the details of their methods and their proprietary models for placing values on those portfolios. It is not enough for them to give us the balance sheet. That is not enough. What we need to know is how they got there in the first place, what models they used internally to decide how they would place the value on a certain asset, how they decided how much to pay for a certain asset and how much to sell that asset to someone else.

Therein lies perhaps some of the answers to the questions of how we got here in the first place. Again, there is nothing in this bill that would require them to do it, but they have to be forced to do that. You will hear: There is transparency; we put transparency in the bill. The transparency is in terms of the Secretary buying the assets and how that is done and it is all open and aboveboard. There is nothing in this bill that requires transparency to look at their books to see how they got there in the first place.

Ask yourself this question: You have a company. For a number of reasons, you are going underwater, you are going bankrupt. You go to a bank to get a loan to get back on your feet, hopefully to get up and operating again. Is the bank going to be satisfied with looking at your balance sheet, your assets and debits? No. The bank is going to want to know what got you in trouble. Why are you here seeking our help? What were you doing there that got you into this trouble? Let's look at all your books. No bank is going to loan you money based upon your balance sheet, if you are underwater, declaring bankruptcy or about to.

We are the bank now, the taxpayers. The Federal Government is now the bank. When they come to us and they have assets and they put in this reverse auction, we ought to say: OK, let's take a look at your books; not just your balance sheet, but how did you get to the valuation of those assets? How did you come by those assets? What did you pay for those assets? Why didn't you pay that much for those assets? What was the model you used when you went to the computers and all these ''brainiac'' people decided how much they would pay for these assets? That is a very important point to know. And, if we are to protect the taxpayers, we need to fully understand all of the details about these financial paper we may be buying which may prevent our overpaying.

I brought that up with Secretary Paulson in a meeting. I couldn't believe his response. His response was: We can't do that because a lot of times they don't even know how they got there.

That is true. You can ask a lot of Senators who were in that meeting when I asked the question. That was his response. They don't even know how they got there.

I am sorry. They do know how they got there. If they flipped a coin, they ought to tell us that is what they did. But I don't think that happened. It happened because they had internal accounting structures and computer models that they used to decide how much to pay for an asset, to buy it or not, how much to put it on their books as, maybe sometimes how much to sell it at. That is what we need to know. Don't tell me they don't have that information. They do. I know it is proprietary but, nonetheless, if they are coming to us asking us to buy these assets, we have to know how they got there. If we know that, then that helps us next year when we come back to change the fundamentals, to put in more regulation, more oversight of financial markets, which we have to do. But if we don't know how they got there, how are we going to know, as makers of public policy and protecting the taxpayers in the future, what we need to do in the regulatory scheme? I am disappointed that we don't have that.

There is one other aspect of this bill that troubles me. That is the fact that we put all the $700 billion basically out there on the table. Again, Secretary Paulson was asked by Senator SCHUMER of New York, was he going to spend all that $700 billion in the first couple weeks. He said, no, it will take about $50 billion a month. This raised a lot of questions in my mind and the minds of others. If it is $50 billion per month, why do we to have give you 700? Why don't we give you $50 billion for the next 4 or 5 months, and then we will sunset it and take a look at it, see how it works. If it works, come back. Congress, I am sure, would be more than happy then to debate it and extend this. I thought that was a good proposal. In other words, put out 5 months' worth, put out $250 or $300 billion, sunset it, come back in February. Let's see how it is working. Is this working? Is it not working? Then make the decision whether we want to put another $350 billion of taxpayer money out there.

What happened, finally, in the bill is a scheme that they put out, I think, $250 billion right now. The Secretary can get another $100 billion by the President snapping his fingers, saying: I want it. He gets $100 billion. Then, to get access to the other $350 billion, there has to be a request from the President. Then Congress has 15 days in which to deny it. They get it, but we have 15 days in which to deny it.

You might say: Well, that is some protection. It is. Except if we deny it, the President can override it. He can veto that. Then we have to have a two-thirds vote to override the veto in both Houses. So this is heavily skewed toward letting the executive branch decide on the full $700 billion. This is something we ought to come back and fix when we return in January. Again, there were some questions raised about that $700 billion.

I was interested to read in Forbes, September 23, it says:

> In fact, some of the most basic details, including the $700 billion figure Treasury would use to buy up bad debt, are fuzzy. ''It's not based on any particular data point,'' a Treasury spokeswoman told Forbes.com Tuesday. ''We just wanted to choose a really large number.''

So the $700 billion, where did it come from? They wanted a large number. Tell that to the taxpayers.

I ask unanimous consent that this article from forbes.com entitled ''Bad News for the Bailout,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Forbes.com, Sept. 23, 2008]

BAD NEWS FOR THE BAILOUT

(By Brian Wingfield and Josh Zumbrun)

Lawmakers on Capitol Hill seem determined to work together to pass a bill that will get the credit markets churning again. But will they do it this week, as some had hoped just a few days ago? Don't count on it.

''Do I expect to pass something this week?'' Senate Majority Leader Harry Reid, D-Nev., mused to reporters Tuesday. ''I expect to pass something as soon as we can. I think its important that we get it done right, not get it done fast.''

Sen. Sherrod Brown, D-Ohio, says his office has gotten ''close to zero'' calls in support of the $700 billion plan proposed by the administration. He doubts it'll happen immediately either. ''I don't think it has to be a week'' he says. ''If we do it right, then we need to take as long as it needs.''

The more Congress examines the Bush administration's bailout plan, the hazier its outcome gets. At a Senate Banking Committee hearing Tuesday, lawmakers on both sides of the aisle complained of being rushed to pass legislation or else risk financial meltdown.

''The secretary and the administration need to know that what they have sent to us is not acceptable,'' says Committee Chairman Chris Dodd, D-Conn. The committee's top Republican, Alabama Sen. Richard Shelby, says he's concerned about its cost and whether it will even work.

In fact, some of the most basic details, including the $700 billion figure Treasury would use to buy up bad debt, are fuzzy.

''It's not based on any particular data point,'' a Treasury spokeswoman told Forbes.com Tuesday. ''We just wanted to choose a really large number.''

Wow. If it wants to see a bailout bill passed soon, the administration's going to have to

come up with some hard answers to hard questions. Public support for it already seems to be waning. According to a Rasmussen Reports poll released Tuesday, 44 percent of those surveyed oppose the administration's plan, up from 37 percent Monday.

Treasury Secretary Henry Paulson and Federal Reserve Chairman Ben Bernanke, who testified before the Senate committee Tuesday, will get a chance to fine tune their answers Wednesday afternoon, when they appear before the House Financial Services Committee.

A spokesman for House Speaker Nancy Pelosi, D-Calif., says she is optimistic that the House will pass a bill this week. But that doesn't mean the Senate, which is by nature more sluggish than its larger counterpart on the other side of Capitol Hill, will be so quick to act.

Mr. HARKIN. With all my concerns, why did I vote for the bill? For the following reasons: We did get a change in the Federal Deposit Insurance Corporation insurance on banks. It was raised from $100,000 to $250,000. That is even too low. That is an inflationary increase. That is where FDIC would be today in their insurance on deposits in banks if, in fact, it had kept pace with inflation. Quite frankly, it would be more than that. I think it ought to be at least $1 million. Some people are advocating that it ought to be removed completely. Ireland did that. They raised their deposit insurance completely off all the banks. I don't know if I would go that far, but it ought to be at least a million or so because I think depositors would be more comfortable choosing smaller retail banks and community banks. Smaller independent banks have more conservative investment standards. They are better regulated. They are more likely to lend to small businesses and manufacturers which are the backbone of our American economy. Again, many of the independent banks in Iowa and around the United States do a darn good job of investing depositors' money. They invest it in local businesses, manufacturers, startup companies or expansions, the backbone of the American economy, sort of where the rubber meets the road, where people get jobs. Yet they are limited to $100,000 right now. At least this raises it to $250,000, and it should be a lot more. Depositors would feel more comfortable putting money in those banks.

Right now big depositors feel very comfortable putting $20 million in Citibank. Why? Their deposits are not guaranteed, but they know Citibank is too big to fail. We now know some of these banks are now going to be—JPMorgan Chase—too big to fail. Let's put all our money there. The Government is not going to let them fail.

Quite frankly, I believe very strongly that a lot of our smaller, independent banks do a much better job of investing our money than some of the New York banks that used to be investment banks but now want to become depository banks. I was happy to at least raise the FDIC to $250,000. I think it should be higher, but at least that is better than nothing.

The fact is, the choice was either to vote for the bill, despite its flaws, or do nothing, and doing nothing was not an acceptable option. I am hopeful that in the short term this rescue package will work to calm markets and restore confidence in the financial system and loosen up on what is called the liquidity crisis. We are hearing of instances where small businesses in Iowa cannot get the funds that they need. We are hearing about construction projects that are being cancelled. That is costing jobs in my state. I hope it will have an effect worldwide of calming things. But I also hope and insist that we come back early next year to strengthen and improve the rescue framework. I will be working with others to do that. As I said, we need to strengthen the equity position of taxpayers. We have to redo that $700 billion and how that is parceled out. We have to be stronger on executive compensation and equity.

We need to look, at that point in time, at whether we want to also use this money, rather than going in at the top, maybe to go in at the bottom, to help homeowners with their mortgages. I have often said there were two ways of approaching this bailout. You put it in at the top, and it trickles down or you put it in at the bottom and it percolates up. I would prefer putting it in at the bottom and letting it percolate up. We know that trickle-down economics has failed this country time and time again. As one worker told me once, he said: You know, I have heard all about this trickle down. I have been waiting. I haven't felt a drop. I would settle for a heavy dew. I haven't even seen that.

We know what works. We know that when you put money in at the bottom, it does percolate up. Our whole economy is strengthened because of it. When we come back, that is what we have to do in January and February, change this thing around.

I might mention one other thing. When we come back, we have to do something about credit card debt. I keep hearing everyone talking about a credit crunch. When I talk to my constituents about a credit crunch, they think I am talking about credit cards. I was told there is something floating around this country, nine credit cards for every individual. I don't know if that is true, but that is what they say. I read that. We know there are too many credit cards. We know credit cards are too easy to get. One of the reasons they are so easy to get is because the interest rates are out of sight, and people don't know what they are being charged for interest on their credit cards. These young people get credit cards sent to them as soon as they graduate. They get one after another. Credit cards are easy to use. Then you get the bill, but you can roll it over and pay it next month. OK, maybe I can do that. But they don't realize that 12 percent or 15 percent this month can rise up to 28 percent; and not just for the next month, it can impact purchases made before that point. Now you are paying 28 percent on items you buy. So many people have been hooked on this, using their credit cards. So we have to do something about the credit card debt.

There is a bill called the Credit Card Accountability, Responsibility and Disclosure Act, the CARD Act, of which I am a cosponsor. As we come back in January and February, that is something else we are going to have to incorporate into this so-called bailout.

There is one other thing we will have to do. I was sorry to see it lost in the Senate earlier this week. That is the stimulus package. We had a package to put money in at the bottom, let it percolate up, by helping people with extending their unemployment benefits which has the biggest bang for the buck in terms of economic stimulus. People on food stamps, investing in rebuilding our schools, our roads, bridges, our sewer and water systems, that goes directly to people, and it helps stimulate the economy and puts people to work. That bill had a pricetag of about $56 billion. That is not chump change. That is lot of money: $56 billion. But do you know, in what we just voted on last night with $700 billion, $54 billion is, what, not quite 8 percent of what we voted on last night, which we turned down earlier this week to stimulate the economy by putting people to work. Well, I think we have to come back and do that again next year. That is to stimulate our economy.

But there are some other provisions in the rescue bill that are extremely important and valuable. The bill includes a number of tax provisions important to Iowans in particular, including energy production tax credits for producers of wind energy and biomass energy. That will create a lot of new jobs in Iowa and continue the jobs we have.

They are important tax provisions, added by my colleague, Senator GRASSLEY, on the Finance Committee that I have been a strong supporter of, to help the victims of the floods we had in Iowa, to help them get back on their feet, to help the small businesses get back on their feet. It is vitally important to get our economy going back in the State of Iowa. That was in the bill last night.

There is also a provision in there to improve the prospects for the construction of ethanol pipelines—something vitally important to the fledgling biofuels industry that I have led on. It is important to get ethanol back to the east coast, where a lot of people live, from the Midwest where we produce it. That was also in the bill last night.

In addition, there was another thing in that bill last night that we have been trying to do for many years around here, and that is to get mental health parity. In other words, if you have health insurance, they would treat mental health, an addiction, just the same as they would any other

health problem. We have been trying to get that for years, and we finally got it in the bill last night. That will make sure families struggling with mental illness do not have that challenge compounded by having to pay for it out of their pockets. It will be covered by their insurance. It is named after Senator Paul Wellstone and Senator PETE DOMENICI, both of whom worked very hard to get it passed.

Well, Mr. President, it was an overwhelming, bipartisan vote last night. There are a lot of reasons we need to come back, as I said, next year and make some changes, and we will do that. Hopefully, as I said, this will calm the markets.

Now, Mr. President, I want to ask consent for a number of articles to be printed in the RECORD at the conclusion of my remarks.

One is an article by Jonathan Koppell and William Goetzmann entitled ''The Trickle-Up Bailout.'' I will quote from one part of it. It says:

The financial crisis is a liquidity crisis, yes, but it is ultimately a product of homeowner failures to pay. Unless this fundamental problem is fixed, we will continue to see—and need to treat—the symptoms. The proposed bailout ignores this. Yet the sum being demanded from taxpayers is almost certainly more than sufficient to pay off all currently delinquent mortgages.

They call this the ''trickle down,'' what we passed, rather than the ''trickle up'' bailout.

Mr. President, I ask unanimous consent that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, I will also ask consent that an article by Harold Meyerson entitled ''Slow Rise for a New Era'' be included in the RECORD. Again, I will quote from that article. Mr. Meyerson talked about this bill being passed. He said:

If that happens—

If we pass this bill—

the next move would be for Democrats to craft a solution more in the spirit of FDR:

Franklin Roosevelt.

Save American capitalism by fundamentally reshaping it. They could direct the government to raise the amount of depositors' money it insures—

We did in the bill last night a little bit—

to compel the banks to write down their losses, to recapitalize the banks by taking a significant equity interest in them, and to refinance beleaguered homeowners directly.

Mr. President, I also ask unanimous consent that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HARKIN. Mr. President, I will also ask consent that a list of economists who signed a letter saying there are better ways to approach the problems we have in our financial institutions rather than what we did last night be printed in the RECORD. It is a letter that was sent to the Speaker and the President. They said:

As economists, 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 currently proposed plan:

(1) Its fairness. . . .

(2) Its ambiguity. . . .

(3) Its long-term effects. . . .

So, Mr. President, I ask consent that this list also be printed in the RECORD to show that—again, the one thing that bothered me in the hearings we had on this plan is, we only heard from the administration. We only heard from people who were for the plan. Why didn't we hear from other people, 200 other economists, Nobel prize-winning economists, who say there is a better way of doing this, folks?

I think when we come back in January, and perhaps even between now and January, we ought to be hearing from these people to see what changes we ought to make in this proposal when we come back in January.

I ask unanimous consent to have that letter and list printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HARKIN. Lastly, Mr. President, I have an article by William Isaac, former head of the Federal Deposit Insurance Corporation. It is a Washington Post article dated September 27, entitled ''A Better Way to Aid Banks.'' I also ask unanimous consent that article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HARKIN. Mr. President, to sum it up, as I said when I started, I reluctantly supported this bill. I hope it will calm the markets. But I am under no illusions that what we did last night solves the problem of why we got here in the first place. To that end, we have to come back. We have to have hearings. We have to bring in other people. We have to get a better handle on what was going on, and next year, with a new administration and a new Congress, I think one of the first things we have to do is to fix this, make it more equitable, make it more fair to the taxpayers of this country, and to get at the underlying fundamentals of why we are here and not just to be satisfied with stopping the bleeding, which is what we did last night.

So, Mr. President, with that, I yield the floor.

EXHIBIT 1

THE TRICKLE-UP BAILOUT

(By Jonathan G.S. Koppell and William N. Goetzmann)

The theory underlying the bailout plan stalled in Congress is that rescuing the finance industry will restore market stability and that the benefits will eventually trickle down to average Americans. Thus, solving the sub-prime mortgage crisis has morphed into a much larger challenge: reassembling the architecture of the financial markets, which seemingly requires giving the Treasury secretary nearly a trillion dollars and extraordinary latitude to pick winners and losers.

There is an easier and more politically palatable fix: Pay off all the delinquent mortgages.

The financial crisis is a liquidity crisis, yes, but it is ultimately a product of homeowner failures to pay. Unless this fundamental problem is fixed, we will continue to see—and need to treat—the symptoms. The proposed bailout ignores this. Yet the sum being demanded from taxpayers is almost certainly more than sufficient to pay off all currently delinquent mortgages.

If the government did this, all the complex derivatives based on these mortgages would be as good as U.S. Treasuries. Their fair value would jump to 100 cents on the dollar, rescuing teetering financial institutions. The credit markets would be resuscitated overnight. Foreclosures would stop.

Some will argue that it is grossly unfair to pay off the mortgages of borrowers who took risks and lost. In other words, why should my profligate neighbor be rewarded for overleveraging himself?

Because such unfairness is a small price to pay to avoid a rapid transition to a socialist economy, the collapse of our financial system (and its related global implications) and a frightening shift of economic power toward the executive branch. Why shell out $700 billion to Wall Street dealmakers and the companies they managed into this mess? Wouldn't it be preferable for individual homeowners to benefit directly?

Implementation could follow the example of the Home Owners' Loan Corp., which in the 1930s issued new mortgages to a quarter of American homeowners. The government could offer to refinance all mortgages issued in the past five years with a fixed-rate, 30-year mortgage at 6 percent. No credit scores, no questions asked; just pay off the principal of the existing mortgage with a government check. If monthly payments are still too high, homeowners could reduce their indebtedness in exchange for a share of the future price appreciation of the house. That is, the government would take an ownership interest in the house just as it would take an ownership interest in the financial institutions that would be bailed out under the Treasury's plan.

All this could be done through the Federal Housing Administration, with the help of Fannie Mae and Freddie Mac, which have the infrastructure to implement this plan rapidly. An equity participation structure would prevent thousands of foreclosed homes from being dumped on a strained housing market and would allow prices to reach a new equilibrium that is based on realistic demand for houses rather than on easy money or impending foreclosures.

Like the administration's proposal, this plan would result in the government owning assets. But these assets would be real estate, not complex derivatives whose true value would take weeks to discern. Homeowners would become partners with the government in resolving the crisis.

When Congress returns, lawmakers are likely to modify and then pass the administration's bailout proposal. They should consider ways to implement this bottom-up solution. Combining this approach with the government's proposal could greatly benefit taxpayers. Yes, the government's swift purchase of illiquid securities would stabilize compromised financial institutions and the credit markets. But the notion that taxpayers would benefit in the long run is pure speculation, particularly if the government

overpaid for the securities. On the other hand, once a government-sponsored refinancing wave kicked in, the full value of the securities in the government's portfolio would be restored, and they could be sold off in an orderly manner, with Uncle Sam taking profits that would cover the cost of the bailout.

The public is rightly concerned that the administration's bailout would benefit only powerful financial institutions. No matter how it's done, rescuing the financial system is a large, complex gamble.

This solution would start by helping ordinary Americans and would quickly spill over to revive the financial markets. Directly addressing the underlying cause of the crisis would help ensure that we would not be facing the same crisis again down the road. While Wall Street has only recently felt the bite of foreclosures delinquencies, communities across the nation will face greater financial and social fallout if the foreclosure crisis continues.

EXHIBIT 2

SLOW RISE FOR A NEW ERA

(By Harold Meyerson)

We are, just now, stuck between eras. The old order—the Reagan-age institutions built on the premise that the market can do no wrong and the government no right—is dying. A new order, in which Wall Street plays a diminished role and Washington a larger one, is aborning, but the process is painful and protracted.

It shuddered to a halt on Monday, when House Republicans, by 2 to 1, declined to support the administration's bailout plan. To lay the blame on Speaker Nancy Pelosi's speech (in which she even noted the work of House GOP leaders in crafting the compromise) is to miss the larger picture: The proposal asked Republicans to acknowledge the failure of the market and the capacity of government to set things right. It asked them to repudiate their worldview, to go against the beliefs that impelled many of them to enter politics in the first place.

So as America experienced a financial crisis, House Republicans experienced a crisis of faith. And on Monday, most of them opted to stick to their faith, whatever the financial consequences for the nation.

Many of the Republicans' counterproposals to the bailout bill were so wide of the mark that they can be understood only as faith-based solutions to empirical problems. Banks and investment houses are toppling like so many dominos, and, to solve this crisis of capital evaporation, House Republicans suggested reducing capital gains tax. Are we to believe that more investors didn't rush to rescue LehmanBearAIG-WaMuWachoviaEtc because they calculated that the tax on the capital gains they'd realize was too high?

Then again, the bill that the Republicans opposed was itself a transitional document—to some extent ushering in a new order, though designed chiefly to prop up the old. The bailout plan's political travails can be traced to its conception—a three-page proposal for the Treasury secretary, who is the immediate past CEO of Wall Street's most successful investment bank, to buy up financial institutions' bad loans at prices he would set, with no oversight and no aid to anybody else. End of story. The bill that went to the House floor Monday had been significantly improved: It created the possibility that the public would gain a limited equity interest in some banks in return for the public's largess; it restricted Wall Street CEO pay; it allowed for a stock-transaction tax to cover any public losses if such still existed after five years. But it had been stamped at birth as a bailout for Wall Street, by a Treasury Department that didn't see the glaringly obvious political problems that created.

It's possible that with a few cosmetic changes, the bill can be passed by the House tomorrow. Or it may be that the prospect of bailing out Wall Street with public funds offends so many House members at both ends of the political spectrum that it goes down to defeat again.

If that happens, the next move would be for Democrats to craft a solution more in the spirit of FDR: Save American capitalism by fundamentally reshaping it. They could direct the government to raise the amount of depositors' money it insures, to compel the banks to write down their losses, to recapitalize the banks by taking a significant equity interest in them, and to refinance beleaguered homeowners directly.

Already, it's clear that we will emerge from this crisis with fewer but bigger banks. As a result of the recent government-arranged consolidations and fire sales, three banks—JP Morgan Chase, Bank of America and Citigroup—will control roughly one-third of all deposits. They will be too big to fail. They will also be so big that they'll be able to set the price for money when Americans come borrowing.

As such, they will require tighter regulation than we've imposed on banks before. And that's hardly the only arena in which government will have to do more. With financial institutions de-leveraging and lending less, it will fall upon the government to invest more in the American economy—to diminish the effects of the recession that is coming down the tracks and to build the kind of infrastructure that will enhance American competitiveness in a global economy.

It's not just investment banks that have fallen by the wayside in the recent carnage; it's the ideology of unregulated capitalism—of Reaganism. And if Republicans cannot find a way to disenthrall themselves from their faith in their old gods, they may ensure that the GOP itself becomes one more casualty in the collapse of laissez faire.

(This letter was sent to Congress on Wed., Sept. 24, 2008, regarding the Treasury plan as outlined on that date. It does not reflect all signatories' views on subsequent plans or modifications of the bill.)

To the Speaker of the House of Representatives and the President pro tempore of the Senate: As economists, we want to express to Congress our great concern for the plan proposed by Treasury Secretary Paulson to deal with the financial crisis. We are well aware of the difficulty of the current financial situation and we agree with the need for bold action to ensure that the financial system continues to function. We see three fatal pitfalls in the currently proposed plan:

(1) Its fairness. The plan is a subsidy to investors at taxpayers' expense. Investors who took risks to earn profits must also bear the losses. Not every business failure carries systemic risk. The government can ensure a well-functioning financial industry, able to make new loans to creditworthy borrowers, without bailing out particular investors and institutions whose choices proved unwise.

(2) Its ambiguity. Neither the mission of the new agency nor its oversight are clear. If taxpayers are to buy illiquid and opaque assets from troubled sellers, the terms, occasions, and methods of such purchases must be crystal clear ahead of time and carefully monitored afterwards.

(3) Its long-term effects. If the plan is enacted, its effects will be with us for a generation. For all their recent troubles, America's dynamic and innovative private capital markets have brought the nation unparalleled prosperity. Fundamentally weakening those markets in order to calm short-run disruptions is desperately short-sighted.

For these reasons we ask Congress not to rush, to hold appropriate hearings, and to carefully consider the right course of action, and to wisely determine the future of the financial industry and the U.S. economy for years to come.

Signed

Acemoglu Daron (Massachusetts Institute of Technology); Ackerberg Daniel (UCLA); Adler Michael (Columbia University); Admati Anat R. (Stanford University); Ales Laurence (Carnegie Mellon University); Alexis Marcus (Northwestern University); Alvarez Fernando (University of Chicago); Andersen Torben (Northwestern University); Baliga Sandeep (Northwestern University); Banerjee Abhijit V. (Massachusetts Institute of Technology); Barankay Iwan (University of Pennsylvania); Barry Brian (University of Chicago); Bartkus James R. (Xavier University of Louisiana); Becker Charles M. (Duke University); Becker Robert A. (Indiana University); Beim David (Columbia University); Berk Jonathan (Stanford University); Bisin Alberto (New York University); Bittlingmayer George (University of Kansas); Blank Emily (Howard University); Boldrin Michele (Washington University); Bollinger, Christopher R. (University of Kentucky); Bossi, Luca (University of Miami); Brooks Taggert J. (University of Wisconsin); Brynjolfsson Erik (Massachusetts Institute of Technology); Buera Francisco J.(UCLA); Cabral Luis (New York University); Camp Mary Elizabeth (Indiana University); Carmel Jonathan (University of Michigan); Carroll Christopher (Johns Hopkins University).

Cassar Gavin (University of Pennsylvania); Chaney Thomas (University of Chicago); Chari Varadarajan V. (University of Minnesota); Chauvin Keith W. (University of Kansas); Chintagunta Pradeep K. (University of Chicago); Christiano Lawrence J. (Northwestern University); Clementi, Gian Luca (New York University); Cochrane John (University of Chicago); Coleman John (Duke University); Constantinides George M. (University of Chicago); Cooley, Thomas (New York University); Crain Robert (UC Berkeley); Culp Christopher (University of Chicago); Da Zhi (University of Notre Dame); Darity, William (Duke University); Davis Morris (University of Wisconsin); De Marzo Peter (Stanford University); Dubé Jean-Pierre H. (University of Chicago); Edlin Aaron (UC Berkeley); Eichenbaum Martin (Northwestern University); Ely Jeffrey (Northwestern University); Eraslan Hülya K. K. (Johns Hopkins University); Fair Ray (Yale University); Faulhaber Gerald (University of Pennsylvania); Feldmann Sven (University of Melbourne); Fernandez, Raquel (New York University); Fernandez-Villaverde Jesus (University of Pennsylvania); Fohlin Caroline (Johns Hopkins University); Fox Jeremy T. (University of Chicago); Frank Murray Z. (University of Minnesota).

Frenzen Jonathan (University of Chicago); Fuchs William (University of Chicago); Fudenberg Drew (Harvard University); Gabaix Xavier (New York University); Gao Paul (Notre Dame University); Garicano Luis (University of Chicago); Gerakos Joseph J. (University of Chicago); Gibbs Michael (University of Chicago); Glomm Gerhard (Indiana University); Goettler Ron (University of Chicago); Goldin Claudia (Harvard University); Gordon Robert J. (Northwestern University); Greenstone Michael (Massachusetts Institute of Technology); Gregory, Karl D. (Oakland University); Guadalupe Maria (Columbia University); Guerrieri Veronica (University of Chicago); Hagerty Kathleen (Northwestern University); Hamada Robert

S. (University of Chicago); Hansen Lars (University of Chicago); Harris Milton (University of Chicago); Hart Oliver (Harvard University); Hazlett Thomas W. (George Mason University); Heaton John (University of Chicago); Heckman James (University of Chicago—Nobel Laureate); Henderson David R. (Hoover Institution); Henisz, Witold (University of Pennsylvania); Hertzberg Andrew (Columbia University); Hite Gailen (Columbia University); Hitsch Günter J. (University of Chicago); Hodrick Robert J. (Columbia University).

Hollifield Burton (Carnegie Mellon University); Hopenhayn Hugo (UCLA); Hurst Erik (University of Chicago); Imrohoroglu Ayse (University of Southern California); Isakson Hans (University of Northern Iowa); Israel Ronen (London Business School); Jaffee Dwight M. (UC Berkeley); Jagannathan Ravi (Northwestern University); Jenter Dirk (Stanford University); Jones Charles M. (Columbia Business School); Jovanovic Boyan (New York University); Kaboski Joseph P. (Ohio State University); Kahn Matthew (UCLA); Kaplan Ethan (Stockholm University); Karaivanov Alexander (Simon Fraser University); Karolyi, Andrew (Ohio State University); Kashyap Anil (University of Chicago); Keim Donald B (University of Pennsylvania); Ketkar Suhas L (Vanderbilt University); Kiesling Lynne (Northwestern University); Klenow Pete (Stanford University); Koch Paul (University of Kansas); Kocherlakota Narayana (University of Minnesota); Koijen Ralph S.J. (University of Chicago); Kondo Jiro (Northwestern University); Korteweg Arthur (Stanford University); Kortum Samuel (University of Chicago); Krueger Dirk (University of Pennsylvania); Ledesma Patricia (Northwestern University); Lee Lung-fei (Ohio State University).

Leeper Eric M. (Indiana University); Letson David (University of Miami); Leuz Christian (University of Chicago); Levine David I. (UC Berkeley); Levine David K. (Washington University); Levy David M. (George Mason University); Linnainmaa Juhani (University of Chicago); Lott John R. Jr. (University of Maryland); Lucas Robert (University of Chicago—Nobel Laureate); Ludvigson, Sydney C. (New York University); Luttmer Erzo G.J. (University of Minnesota); Manski Charles F. (Northwestern University); Martin Ian (Stanford University); Mayer Christopher (Columbia University); Mazzeo Michael (Northwestern University); McDonald Robert (Northwestern University); Meadow Scott F. (University of Chicago); Meeropol, Michael (Western New England College); Mehra Rajnish (UC Santa Barbara); Mian Atif (University of Chicago); Middlebrook Art (University of Chicago); Miguel Edward (UC Berkeley); Miravete Eugenio J. (University of Texas at Austin); Miron Jeffrey (Harvard University); Moeller, Thomas (Texas Christian University); Moretti Enrico (UC Berkeley); Moriguchi Chiaki (Northwestern University); Moro Andrea (Vanderbilt University); Morse Adair (University of Chicago); Mortensen Dale T. (Northwestern University).

Mortimer Julie Holland (Harvard University); Moskowitz, Tobias J. (University of Chicago); Munger Michael C. (Duke University); Muralidharan Karthik (UC San Diego); Nair Harikesh (Stanford University); Nanda Dhananjay (University of Miami); Nevo Aviv (Northwestern University); Ohanian Lee (UCLA); Pagliari Joseph (University of Chicago); Papanikolaou Dimitris (Northwestern University); Parker Jonathan (Northwestern University); Paul Evans (Ohio State University); Pearce David (New York University); Pejovich Svetozar (Steve) (Texas A&M University); Peltzman Sam (University of Chicago); Perri Fabrizio (University of Minnesota); Phelan Christopher (University of Minnesota); Piazzesi Monika (Stanford University); Pippenger, Michael K. (University of Alaska); Piskorski Tomasz (Columbia University); Platt Brennan C. (Brigham Young University); Rampini Adriano (Duke University); Ray, Debraj (New York University); Reagan Patricia (Ohio State University); Reich Michael (UC Berkeley); Reuben Ernesto (Northwestern University); Rizzo, Mario (New York University); Roberts Michael (University of Pennsylvania); Robinson David (Duke University); Rogers Michele (Northwestern University).

Rotella Elyce (Indiana University); Roussanov Nikolai (University of Pennsylvania); Routledge Bryan R. (Carnegie Mellon University); Ruud Paul (Vassar College); Safford Sean (University of Chicago); Samaniego Roberto (George Washington University); Sandbu Martin E. (University of Pennsylvania); Sapienza Paola (Northwestern University); Savor Pavel (University of Pennsylvania); Schaniel William C. (University of West Georgia); Scharfstein David (Harvard University); Seim Katja (University of Pennsylvania); Seru Amit (University of Chicago); Shang-Jin Wei (Columbia University); Shimer Robert (University of Chicago); Shore Stephen H. (Johns Hopkins University); Siegel Ron (Northwestern University); Smith David C. (University of Virginia); Smith Vernon L. (Chapman University-Nobel Laureate); Sorensen Morten (Columbia University); Spatt Chester (Carnegie Mellon University); Spear Stephen (Carnegie Mellon University); Stevenson Betsey (University of Pennsylvania); Stokey Nancy (University of Chicago); Strahan Philip (Boston College); Strebulaev Ilya (Stanford University); Sufi Amir (University of Chicago); Tabarrok Alex (George Mason University); Taylor Alan M. (UC Davis); Thompson Tim (Northwestern University).

Troske Kenneth (University of Kentucky); Tschoegl Adrian E. (University of Pennsylvania); Uhlig Harald (University of Chicago); Ulrich, Maxim (Columbia University); Van Buskirk Andrew (University of Chicago); Vargas Hernan (University of Phoenix); Veronesi Pietro (University of Chicago); Vissing-Jorgensen Annette (Northwestern University); Wacziarg Romain (UCLA); Walker Douglas O. (Regent University); Walker, Todd (Indiana University); Weill Pierre-Olivier (UCLA); Williamson Samuel H. (Miami University); Witte Mark (Northwestern University); Wolfenzon, Daniel (Columbia University); Wolfers Justin (University of Pennsylvania); Woutersen Tiemen (Johns Hopkins University); Wu Yangru (Rutgers University); Yue Vivian Z. (New York University); Zingales Luigi (University of Chicago); Zitzewitz Eric (Dartmouth College).

EXHIBIT 4

[From the Washington Post, Sept. 27, 2008]

A BETTER WAY TO AID BANKS

(By William M. Isaac)

Congressional leaders are badly divided on the Treasury plan to purchase $700 billion in troubled loans. Their angst is understandable: It is far from clear that the plan is necessary or will accomplish its objectives.

It's worth recalling that our country dealt with far more credit problems in the 1980s in a far harsher economic environment than it faces today. About 3,000 bank and thrift failures were handled without producing depositor panics and massive instability in the financial system.

The Federal Deposit Insurance Corp. has just handled Washington Mutual, now the largest bank failure in history, in an orderly manner, with no cost to the FDIC fund or taxpayers. This is proof that our time-tested system for resolving banking problems works.

One argument for the urgency of the Treasury proposal is that money market funds were under a great deal of pressure last week as investors lost confidence and began withdrawing their money. But putting the government's guarantee behind money market funds—as Treasury did last week—should have resolved this concern.

Another rationale for acting immediately on the bailout is that bank depositors are getting panicky—mostly in reaction to the July failure of IndyMac, in which uninsured depositors were exposed to loss.

Does this mean that we need to enact an emergency program to purchase $700 billion worth of real estate loans? If the problem is depositor confidence, perhaps we need to be clearer about the fact that the FDIC fund is backed by the full faith and credit of the government.

If stronger action is needed, the FDIC could announce that it will handle all bank failures, except those involving significant fraudulent activities, as assisted mergers that would protect all depositors and other general creditors. This is how the FDIC handled Washington Mutual. It would be easy to announce this as a temporary program if needed to calm depositors.

An additional benefit of this approach is that community banks would be put on a par with the largest banks, reassuring depositors who are unconvinced that the government will protect uninsured depositors in small banks.

I have doubts that the $700 billion bailout, if enacted, would work. Would banks really be willing to part with the loans, and would the government be able to sell them in the marketplace on terms that the taxpayers would find acceptable?

To get banks to sell the loans, the government would need to buy them at a price greater than what the private sector would pay today. Many investors are open to purchasing the loans now, but the financial institutions and investors cannot agree on price. Thus private money is sitting on the sidelines until there is clear evidence that we are at the floor in real estate.

Having financial institutions sell the loans to the government at inflated prices so the government can turn around and sell the loans to well-heeled investors at lower prices strikes me as a very good deal for everyone but U.S. taxpayers. Surely we can do better.

One alternative is a ''net worth certificate'' program along the lines of what Congress enacted in the 1980s for the savings and loan industry. It was a big success and could work in the current climate. The FDIC resolved a $100 billion insolvency in the savings banks for a total cost of less than $2 billion.

The net worth certificate program was designed to shore up the capital of weak banks to give them more time to resolve their problems. The program involved no subsidy and no cash outlay.

The FDIC purchased net worth certificates (subordinated debentures, a commonly used form of capital in banks) in troubled banks that the agency determined could be viable if they were given more time. Banks entering the program had to agree to strict supervision from the FDIC, including oversight of compensation of top executives and removal of poor management.

The FDIC paid for the net worth certificates by issuing FDIC senior notes to the banks; there was no cash outlay. The interest rate on the net worth certificates and the FDIC notes was identical, so there was no subsidy.

If such a program were enacted today, the capital position of banks with real estate

holdings would be bolstered, giving those banks the ability to sell and restructure assets and get on with their rehabilitation. No taxpayer money would be spent, and the asset sale transactions would remain in the private sector where they belong.

If we were to (1) implement a program to ease the fears of depositors and other general creditors of banks; (2) keep tight restrictions on short sellers of financial stocks; (3) suspend fair-value accounting (which has contributed mightily to our problems by marking assets to unrealistic fire-sale prices); and (4) authorize a net worth certificate program, we could settle the financial markets without significant expense to taxpayers.

Say Congress spends $700 billion of taxpayer money on the loan purchase proposal. What do we do next? If, however, we implement the program suggested above, we will have $700 billion of dry powder we can put to work in targeted tax incentives if needed to get the economy moving again.

The banks do not need taxpayers to carry their loans. They need proper accounting and regulatory policies that will give them time to work through their problems.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM ACT

Mr. HARKIN. Mr. President, I know this is kind of a hectic time in Congress. We are trying to get bills passed. People want to get home to campaign and for the election. But I want to highlight a very important bill I am working on with my colleague, Congressman BRUCE BRALEY from the State of Iowa.

I would like to urge my colleagues to take the time to look at this important measure. It is H.R. 5167, the Justice for Victims of Torture and Terrorism Act. I am hopeful when we are back in November—and we will be back on the 17th doing business—we will be able to pass this bill and send it to the President for his signature.

Let me highlight some of the bill's most important aspects. H.R. 5167 will finally provide justice for American prisoners of war and civilians who were taken hostage and tortured by Saddam Hussein's regime.

These victims include 17 American prisoners of war who were tortured under Saddam Hussein's regime and who sought compensation through the courts. These victims also include CBS reporter Bob Simon and his cameraman, Roberto Alvarez, who were captured and tortured along with the POWs.

These brave POWs were beaten and starved by Saddam Hussein's regime, and they were awarded compensation from a U.S. judge until the Bush administration lawyers intervened in the case and said it should be thrown out.

These victims were, again, denied justice by the Bush administration when President Bush vetoed H.R. 1585, the fiscal year 2008 National Defense Authorization Act, which would have allowed Americans tortured by Saddam Hussein's regime to pursue justice in U.S. courts.

This bill, H.R. 5167, is the result of a bipartisan compromise that passed the House unanimously—unanimously—on September 15. The bill gives the Government of Iraq 90 days to resolve the claims of American victims of Iraqi torture and terrorism for minimal amounts before the waiver that was put into last year's DOD bill would be terminated. As a result of the bipartisan compromise made in the House, the waiver would remain in place as long as the President certifies that Iraq has not settled commercial claims or that the administration is engaged in good-faith negotiations with Iraq to settle the claims of the victims. Let me point out, the compensation due these victims would not be U.S. taxpayer money but coming from the Iraqi treasury. It is time these victims are compensated. This bill will allow that to happen.

Right now, the Iraqi Government is depositing billions—billions—of dollars in U.S. banks in the U.S. and billions in other places around the world. Surely—surely—they can help compensate the 17 American prisoners of war and others who were tortured and beaten under Saddam Hussein.

So, again, as I pointed out, it passed the House unanimously. I urge my colleagues to take a look at this bill. I am hopeful when we come back in November we can take it up and pass it unanimously just like they did in the House.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

WAYNE ALLARD

Mr. SALAZAR. Mr. President, I rise today to pay tribute to my friend and colleague, WAYNE ALLARD, the senior Senator from Colorado. As all of us in the Senate know, Senator ALLARD will retire from the Senate at the end of this legislative session.

Senator ALLARD is a Coloradan through and through. Raised on a ranch in Walden, CO, a very small town in the northwest corner of our State, he found his calling in animal medicine. He followed this passion to Colorado State University at Fort Collins, where he received his doctorate of veterinary medicine. Even today, he proudly wears his tie as a Colorado State University Ram. At CSU, WAYNE met his future wife Joan who was studying microbiology at the time.

After graduating, WAYNE and Joan built the Allard Animal Hospital in Loveland together. They made their home there. They had two wonderful daughters, Christi and Cheryl. Living and working in Loveland, WAYNE developed a passion for public service. He developed a passion for the good that could come from serving in politics.

He began his political career in the Colorado State Senate. There, he served the people of Weld and Larimer Counties in the State legislature for 7 years. A strong believer in preserving the idea of citizen legislators, Senator ALLARD championed a Colorado law that limits legislative sessions to 120 days, a law that is still in our Constitution today. It works to ensure that Colorado representatives are able to spend the bulk of their time in their communities as opposed to the corridors of the State Capitol.

In 1991, the people of the fourth congressional district elected Senator ALLARD to the U.S. House of Representatives. Five years later, Coloradans elected him to serve as Colorado's United States Senator.

Throughout his career on the Federal level, Senator ALLARD has been a strong voice for fiscal responsibility and ensuring the security of America at home and abroad. He has used his position on the Senate Appropriations Committee to champion priorities important to Colorado. He has played an active role on the Senate Budget Committee to restore integrity to the government's use of taxpayer dollars.

Yet, even as Senator ALLARD served in Washington, he has never forgotten where he came from and who he works for. He was always traveling throughout Colorado, engaging his constituents, hearing their hopes and concerns. It is there, in those communities of Colorado, that Senator ALLARD feels most at home.

I have been privileged to work with WAYNE ALLARD in the Senate for the past 4 years. We fought together for clean and safe drinking water for the communities in the Lower Arkansas Valley and through the construction of the Arkansas Valley Conduit which we hope will happen in the next several years. We worked to ensure the Animas La-Plata Water Project in southwest Colorado and making sure that project is fully funded to implement the historic settlement between Colorado and its Indian tribes. Over the past few months, we came together to move judicial nominees for the Federal Court in Colorado through the often contentious Senate confirmation process. It has been a productive and fulfilling partnership.

Now, to be sure, Senator ALLARD and I have not always seen eye to eye on a number of issues. But in spite of our differences, I have always respected him. He works hard. He is humble. He loves the people of Colorado.

But more than his love for Colorado and his country, Senator ALLARD is devoted to Joan, Christi, Cheryl, and his five grandsons. You will never see him have a smile wider or laugh harder than when he is in their company. I am happy that his return to Colorado will afford him the opportunity to spend more time with them. He deserves it.

I know Senator ALLARD is a great admirer of a Democrat from Colorado by the name of Wayne Aspinall, who served in this Congress for a very long time. Wayne Aspinall was a strong protector of Colorado's water and the champion of the people of the Western Slope during his 24-year tenure in Congress. Congressman Aspinall once said:

> We all have moments when we feel that ''the system'' is wrong, but that does not entitle us to assume that only we could be right and therefore permit us to secede from our society. We have to learn to live with it—to improve on it if we can, to change it through established procedures, if we must, but we must always remember that individually we are only one person and that the views and ideas of others might be equally valid as our own.

For the past 25 years, Senator ALLARD has committed himself and his talents to the people of Colorado in this spirit—a spirit of reform and a spirit of humility. He has served with honor and distinction and with an unyielding focus on what he thinks is best for our State. I thank him for his service and his friendship, and I congratulate him on his retirement.

Mr. President, I thank the Presiding Officer. I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LARRY CRAIG

Mr. CRAPO. Mr. President, as the 110th Congress comes to a close this fall, a chapter in Idaho politics also comes to a close. After serving in public office, first in the Idaho State Legislature from 1975 to 1981, then in the U.S. House of Representatives from 1981 to 1990, and finally in the U.S. Senate from 1991 to 2009, my colleague Senator LARRY CRAIG is retiring from elective office. Over the years, he has doggedly pursued initiatives important to Idahoans and staunchly defended Western values.

Our colleagues in the Senate know about Senator CRAIG's work over the years ensuring that the U.S. agricultural community has the support needed to thrive and continue ensuring our food security and playing a major role in the global economy.

Our colleagues know about Senator CRAIG's consistent stand on public lands, his unflinching defense of private property rights and reliably supporting those who are caretakers of this invaluable national resource.

Our colleagues know Senator CRAIG's stalwart defense of our second amendment rights and his tireless call for a balanced budget and lower taxes.

Our colleagues in the Senate know that Senator CRAIG has, on a number of occasions, reached across the aisle to promote bipartisan legislation.

Our colleagues in the Senate know and have depended on the leadership exhibited over the years by a man with humble beginnings, born in a small Idaho town, on a family farm where he returned after college until the people of Payette and Washington Counties elected him to represent them in the Idaho State Legislature.

What may not be so well known about the senior Senator from Idaho is his commitment to adoption, to our youth, to community service, to our veterans, and to our seniors.

Senator CRAIG's three children are adopted. Over the years, he became a congressional leader in promoting adoption and working on policy initiatives that help adoptive parents and young children needing to find loving homes. He also helped found the Congressional Coalition on Adoption.

Senator CRAIG did not only champion adoption in Congress, he took a strong leadership role in the Congressional Awards Foundation. This is an outstanding program that encourages young people to set high goals, to work toward them, and then when they have achieved these goals, it gives this body the opportunity to recognize their extraordinary accomplishments. The sense of community service this program grows in young people imparts a lifelong sense of civic duty and responsibility. In short, it grows great Americans.

Speaking of great Americans, Senator CRAIG has been a champion of veterans as well, prioritizing their changing needs over the years and helping remind all of us that when a man or a woman defends the United States of America, that individual deserves to have this Nation care for them in their return and in their time of need.

A believer in bringing Washington to Idaho, Senator CRAIG has hosted over 300 townhall meetings since his election to the Senate. He has also made national priorities that involve Idaho and his priorities; namely, Department of Energy and defense operations and research at the Idaho National Laboratory, the Mountain Home Air Force Base, and Gowan Field for the home of the Idaho National Guard.

Senator CRAIG has not only supported children, young people, the military, and our veterans, he has also worked to champion the cause of the aging, serving on the Special Committee on Aging and keeping important senior issues at the forefront of our legislative policy.

Senator CRAIG's public service demonstrates a rich history of strong, conservative leadership, characterized by an unapologetic defense of democratic ideals of private property and personal liberty, woven together with an abiding and proactive concern for those without a voice in Washington. Idahoans across the State have come to know they can depend on Senator CRAIG to defend their economic well-being and their values.

It has been a privilege for me to serve with Senator CRAIG during my time in the Congress. I wish him and his wife Susan well as they enter this new chapter in their lives.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank my partner and colleague from Idaho, soon to become Idaho's senior Senator, MIKE CRAPO. MIKE and I have had a working relationship and a friendship for literally decades, and it is one I have greatly appreciated over the years because of his consistent and wise counsel.

While I came to the Congress before MIKE, Senator CRAPO was in the legislature during a period of time after I was there, and so he brought with him, first to the House and then to the Senate, the very similar experiences I had as a State legislator. I highly recommend that to anyone who wants to serve in the Senate, that they have that experience on the ground in their home State in a way that brings the reality of State governments and the Federal Government together. Certainly, over the years Senator CRAPO has had that experience and has shared it with me. Together, I think we have made a very valuable team for our State.

There is another aspect of Senator CRAPO I have so highly regarded over the years, and certainly the Presiding Officer from Colorado would appreciate it. there is probably one single most valuable commodity in the high deserts of the West—such as many parts of the Colorado and the State of Idaho—and that is water. There is an old phrase that many have heard over the years, which is that whiskey is for drinking and water is for fighting over. And there is a lot of truth to that. Our States historically have that in their background as we sorted out our water problems and began to recognize these phenomenally valuable commodities.

MIKE CRAPO, in his other life, spent a lot of time with water law. I always said that when it came to water issues here in Washington, while they best be fought out in the State Capitol in Boise, I wanted MIKE CRAPO by my side

as we worked through water issues that were for our State and certainly for the Nation. Not only does he know the law, coming out of a high desert environment of the kind that is in southern, southeastern, and southwestern Idaho, he knows the reality. He knows the importance. He knows that water is life and death. It is economy or no economy based on its value. That is the kind of partnership we have had over the years.

I will be replaced by Idaho's lieutenant governor, Jim Risch. I am confident he will be elected, for a lot of reasons. First, he is a highly competent person. Idaho knows him well and respects him. He has served Idaho well and he will serve us very well here. He will become the junior partner of the soon-to-be senior Senator, MIKE CRAPO. That teamship, that organizational effort, that combining of forces on by far a majority of issues will be held for Idaho's interests.

MIKE and I rarely split our votes. When we do, we talk about them, we know our differences and we understand them. But we have realized over the years that the team approach for Idaho and the Idaho delegation is very important for a small State—small by population, at least, certainly not small by geography. So the friendship and the relationship I have had with Senator CRAPO over the years has been personally very valuable to me, but I trust it has been very valuable to the State of Idaho. But that kind of working, teaming partnership is going to continue as I step down and Jim Risch is elected in November to continue to work with MIKE CRAPO.

So I say to my colleague, Senator CRAPO: Thank you. Thank you for the kind remarks and the working relationship and friendship we have had over the years.

And to the presiding officer, while he has not served here as long as either of us, I would say to him that he fits in immediately, because he is a westerner who understands our issues, because they are his issues, and we have already begun to work those kinds of partnerships and relationships that are very valuable to the West, to the public lands, and to the interests of our States' people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I came down here to pay a tribute to our senior Senator from Idaho, Senator LARRY CRAIG, and you can see the caliber of man he is—he came down and paid tribute to me. That is the way he is.

I want to add to my remarks by thanking Senator CRAIG personally for his tremendous assistance to me. From the very first day that I stepped foot on the floor of the Senate—in fact, before that, when I was trying to get elected to the Senate—Senator CRAIG was there to help. And once I was elected, Senator CRAIG set about making sure I could be successful.

As he has indicated by his gracious remarks, that is the kind of man he is. He is a tremendous friend and he is a tremendous advocate and he has the kind of principles and values that have helped him to represent the people of Idaho so well over the years. He has committed his life to public service and has shown the people of Idaho and the people of this Nation the kind of leadership we should have in this country, fighting for those kinds of principles that I have mentioned—whether it be private property rights, a balanced budget, lower, smaller government, protecting those without a voice, working for the veterans, working for senior citizens, and his commitment to working for our newest citizens of our world, those who need adoption. The list goes on and on and on.

I want to personally thank you, LARRY, for the opportunity to serve with you here in the Senate, and to tell you that I and all of us in Idaho will miss you and look forward to continuing to work with you as you enter this new chapter of your life.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC CRISIS

Mr. CRAIG. Mr. President, for the next few minutes I wish to connect the dots. What am I saying? Well, I wish to take us from where this Senate was last night, when on a 74-to-25 vote it voted out one of the largest financial assistance packages in the history of the Nation—700-plus billion dollars—to try to stabilize the credit markets of our country and make sure that Main Street—whether it be in small-town Colorado or small-town Idaho—still have credit in its banks for its citizens and its small business people to conduct business and make payroll.

We have, by a series of actions over the last decade, placed the American economy and the American consumer—the taxpayer—in peril. Last night was an effort to recognize that and to do something about it. Because of its size, and because of its early billing—that it was a ''Wall Street bailout''—I suspect your constituents and mine backed off and said: ''Whoa, wait a minute, government; wait a minute, politician, don't put the taxpayer at peril with this kind of effort.''

At the same time, you and I, and many of us here, were looking at all of the issues at hand, recognizing this was not a bailout for Wall Street. In fact, from its original concept to its evolution to the bill that was passed last night, it was a much different document—safeguarding and protecting the taxpayer and trying to recognize the need of a growing credit crisis on Main Street USA. I think, and I hope, we have accomplished that.

But how did this come to be? Well, there are a lot of fingers that can be pointed. We can point at the liberal lending policy and advocacy of Fannie Mae and Freddie Mac, and subprimes, and too much credit in the market, and the explosion of the housing industry—or at least the explosion of the bubble in the housing industry. But something else came along about the time all of those elements in our economy were coming together that I think was probably the tripwire that helped create the current situation.

Let me connect the dot, the dot of too much credit, of subprime, of an economy that was maxed out, of a consumer who was maxed out. Let me connect the dot of the average consumer having to pay anywhere from $100 to $150 more a month on his energy bill at the gas pump. What happened in our economy as energy prices went through the roof and that spread out across our economy in food costs, in transportation costs, in the costs of everything we do because our economy is so intricately linked with energy and the availability of energy? You didn't hear anybody on the floor last night talk about energy. You did not hear anybody on the floor last night talk about the $4 gas or the $140-a-barrel oil that was true a few months ago, but it was there and it was lurking in the background. It had already hit our economy along the side of the head with a fatal blow. We have over the last several years tried to recognize that.

When we left here in July for the August recess, Democrats and Republicans were at odds over energy. I was saying let's drill, let's produce, and the American consumer was awakening to this energy shock that our economy was having and they were saying the same thing; 65 to 70 percent of the American consumers were saying, What's wrong, politician? Why are you locking away the great resources of this country? In the name of the environment? In the name of no growth? In the name of good feelings? The bad feelings were at the pump. The bad feelings were in the pocketbook.

Stay with me for a moment and think about this. Think about that consumer. He and she, working hard, maybe bringing home $45,000 or $50,000 a year amongst the two—mom and dad—they have their credit cards maxed out. They have maybe $5,000 on their credit cards and they are paying a couple of hundred dollars a month each month on that credit card and making their house payment and barely getting by and, all of a sudden, in the last year and a half or two, their energy bill goes through the roof and they are paying $150 to $200 a month, and they don't have it.

Then the value they had in their house that they might have taken a second mortgage out on to bail them

out, all of a sudden begins to disappear. That is an American family in crisis. That is an American family in crisis without question. That is the crisis we began to deal with last night. That, of course, was that $5,000 they had on their credit card that they were paying $200 a month on, the credit card company called them up and said we are going to pump it up to $400 a month, we are going to drop your credit line, and we are going to charge you more interest. That is what was happening, and it was brought on by practices in the economy over the last good number of years, and the energy crisis coming down on top.

In the midst of all of this great debate about the economy, something happened at the end of September. Politicians who couldn't face the vote to deal with the issue of taking off the offshore oil moratorium let it expire. There were a few stories about ''offshore drilling moratoria expired.'' Even some of the cable news stations had charts up showing graphs—graphs I had used here on the floor—of areas that were now available offshore. Somehow there was a little story out there that possibly we were going to get back into the business of drilling and production and therefore bring down our risk as a nation and stop the huge flow of money going offshore and the consumer would be better off.

I am here today to connect another dot and to suggest to the American consumer that is an illusion. The reason it is an illusion is because there are a few politicians around here saying when we get back next year, we can slip that moratorium back on. There are others saying good, it is off, it will stay off, and we can begin to work the process of getting the Department of the Interior, USGS, and others to do the surveys and environmental impact statements that will allow us to drill.

Therein lies the question: To drill—when? Let me tell you how it works, because the day the moratoria came off, and they came off the last of September, if everything were to work right, it would be 7 to 8 years before any rig could go out there into the deep waters and begin to drill. That is normal process and time. If you look at the example of Alaska where there are offshore leases and the environmental impact statements have been done, guess what else happened. Along came the interest groups and they filed suits and they have extended that drilling time out another 3 or 4 years while the oil companies go through the courts and fight the battles of the environmental groups that do not want you there to begin with.

America, please awaken. Do not think the energy crisis is over because we have turned the economy down, we have turned consumption down around the world and all of a sudden oil is now down to $92, $93, $94 a barrel. Because the very thing we hope for, and that is for the economy to come back and people to come back to work and homes to be built here and around the world, means that energy consumption will go back up against a relatively static supply market.

The good news is we hopefully did the right things to bring the economy back. The bad news is we haven't done a darned thing to increase the supply of hydrocarbons in our market—except to run a few tickertapes or billboards that we let the moratorium expire on offshore oil. But we have not indemnified the companies, we have not done the right things it would take to bring drilling to the areas where the oil is. And there is oil out there—billions of barrels of oil.

Every time the gulf, where there is a lot of deepwater drilling, gets hit by hurricane—whether it was Katrina or Ike recently, that knocked hundreds of platforms off their foundations out in the deepwater production area—there was no environmental problem because we are so good at doing what we do today. We insist that the best talent come, the best equipment come, and we have those kinds of environmental protections that deny us the ghosts of Santa Barbara of three decades ago. Yet there is still a large number of Americans wanting to deny us that. There is a great number of politicians who would love to run from the reality of getting this country back into the business of producing energy.

We talk about it. We play the game. But I am here today to say we do not connect all of the dots and it is not going to be 2, 3, 4 years after the moratoria goes off. After you work all the systems and all the lawsuits through all the courts, you would be very lucky to get any field into production in the next 12 years. That is the way it is. That is the problem we have to deal with. That is the problem the new Congress will have to deal with and deal with it in a very real way.

What are we talking about? The estimation of the domestic recoverable oil and gas resources in the Outer Continental Shelf. In old geology, in old surveys that do not keep up with the modern techniques that we have today, where we are finding the truly deep oil out in the gulf, we know there are at least 30 billion barrels of oil. We believe in the undiscovered resource areas there could be as much as 85 or 100 billion barrels of oil. There are literally trillions of cubic feet of gas—200, 250, 350, 400, we are not sure, but we know this. When you take the old technology and you go out there with the new technologies and you apply it to the old geologies, you usually get two to three times more than you thought you were going to get. That is a fact and we know that today.

Therefore, it is critically important that we get the rigs into the water, get the rigs out there, and begin to explore and develop; that is, if you do not want another runup in energy values and an energy crisis of the kind we have put our people through when this economy comes back—and it will come back, hopefully soon, but within the next couple of years. Congress's failure to act, Congress's willingness to march down the old path of no exploration, no drilling, no production, buy it from our enemies, the ''send our money offshore'' syndrome will plunge us back into another energy crisis.

I say to those who might be listening today, connect the dots. One of those dots you will connect is with your politicians, with your policymakers. Insist that they do the right thing, and the right thing is to free this country up and get us back into the business of production.

While the OCS moratorium has lifted, here is another little problem. A couple of years ago, with a political compromise here on the floor of the Senate, we took a little piece off the Florida coast, down off the Alabama coast, called lease sale 181. The reason we opened that was because it was very close to the infrastructure—meaning the pipes and the refinery areas. We know there is a lot of gas and oil there. We created special conditions. We even indemnified, or protected from lawsuits, some of the companies going in there. Those sales are let and those companies are headed there. We believe there could be several billion barrels of oil there.

But, very quietly, in the language it also prohibits us from going on east toward the Florida coast where there are billions more barrels of oil that were once under the OCS moratorium but have special language and special protection and still have that special language and still have that special protection, even with the moratoria expiration being lifted this past week.

That is another dirty little secret that nobody wants to talk about—the Floridians most assuredly don't want to talk about—even though in Florida today they are saying drill it, go after it, get it, help us out; drop our energy bills, help our pocketbooks, help our family budget. Congress, do the right thing.

Those are some of the challenges the new Congress will face. We have a staggering economy, we are in a major credit crunch, we have consumers who are maxed out in a lot of ways, but the one thing they grew so very angry about the last 6 months was that somebody was robbing them blind—or at least they thought they were—at the fuel pump. The reason we had an energy crisis was because we began to have a political crisis on the floor of this Senate years ago when we continually locked up our resources, all in the name of some worthy cause, denying the riches of our country and our land to the American people.

As some know who have been listening or have been watching the floor for the last hour, I am not going to be here. I am retiring. I spent a lot of my years dealing with the very issue I am talking about now, all in the name of increased production, fighting unbelievable odds because of the beliefs

many of our Members of Congress have about locking it up in the name of something.

I would hope Congress got real and recognized the reality of the world we live in. Just as we live in a worldwide economic market, we also live in a worldwide energy market. The great tragedy of today has created, in part, the economic crisis we are in. While it was at the gas pump for the average citizen every day, at least when oil was $140 a barrel, we were sending upwards of $1.2 billion offshore to buy oil.

America cannot continue to do that and remain a wealthy and prosperous nation. We simply are draining our Treasury dry. Yet we have oil all around us. Consumers are now seeing ads on television talking about the great shale pools of natural gas the new technology is bringing. Yet very quietly we are trying to keep a lot of that out of reach, all in the name of the environment.

We have all other kinds of energy resources we ought to be going after and developing. I believe the next decade in front of us is the decade of energy. I think as a Congress we are awakening. I know the consumers have awakened and they are going to demand that Congress do what is right, all in the name of new production, new technologies, diverse kinds of energy portfolios for our country.

We will not be a wealthy nation 20 years from now. We will not be a nation that allows our citizens and our young people to pursue the American dream as we and our parents before us and our grandparents before them.

We need to recognize the next 20 years ought to be and must be dedicated to the production of energy; all forms, clean, diverse. That is our challenge. So let's connect the dots.

Last night we talked about a credit crunch and a credit crisis. I believe it was worsened by an energy crunch and an energy crisis we have lived through and are currently continuing to live through.

If the Congress does not bring that together, then we will fail, or at least we will not allow the greatest hope and the greatest expectation of our country, this great country, to see its natural level. Those are our challenges.

Bold votes last night, bold and necessary steps were taken. Can this Senate as a policymaking body be as bold in energy as we were with the economy? That is the challenge we face. I will not face it anymore. But everybody who serves here will. I hope they can meet that challenge. Because if they fail, then our great Nation is weakened and the opportunities many of us have worked for, for our children and our grandchildren over the years, simply cannot be realized.

So Senate, Congress, connect the dots. Work at getting the economy right, work at getting energy production back online, work at giving this great enterprising country of ours the opportunity to create and to be what it can be. That is a necessary and important challenge. I am confident, if the citizens of our country demand it, the Congress will rise to that occasion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

THANKING SENATORS

Mr. ALLARD. Mr. President, while the Senator from Idaho is on the floor, I made some comments earlier about the pleasure of being able to work with him in the Senate. I wish to also recognize the fine work he has done on energy. We certainly appreciate his work on that.

Colorado is an energy-rich State. We have all forms of energy, not only fossil fuels but also wind and solar and geothermal. I think Senator CRAIG has been very sensitive to those.

When working with the Senator from Idaho I felt like he truly had the Nation's interest in mind. It has been a pleasure for me to serve with Senator CRAIG, particularly on the Appropriations Committee. The Senator brought in a very competent staff and was himself extremely knowledgeable.

As we leave this institution, I wish to thank the Senator from Idaho for all the work he did to help me along with legislation. What a privilege it has been to be able to know Senator CRAIG and work with him in the Senate. Also, I wish to recognize the Senator's hard work in the Senate.

Senator SALAZAR was making some comments earlier on, talking about my retirement. I happened to have gone downstairs and grabbed a lunch and there he was. I also want the people of Colorado to know I have enjoyed working with Senator SALAZAR. We have not agreed on some of the national issues, but I think generally one thing we have agreed on is we need to work for Colorado.

I think we have truly been partners in that effort. I appreciated the opportunity to get to know you. I'm reminded that when Colorado came into the Union, in 1876—we are known as the Centennial State—the Republicans were pretty much in control of everything. You see, Colorado is a State that is recognized as a swing State, it swings back and forth between the Republican and Democratic Parties.

But at that particular time, there was a big effort to have a Senator from the north and a Senator from the south of our State. Similarly, today, I grew up about as far north as you can get in Colorado, Senator SALAZAR grew up about as far south as you can get in the State of Colorado. I think, at least in the spirit, and certainly in geographic location, we have been able to represent all of the State of Colorado and deal with those issues in a civil and responsible way.

I wish to thank Senator SALAZAR publicly for his service to the State of Colorado and also want the people of Colorado to know I highly respect Senator KEN SALAZAR, who is sitting in the chair right now, for his dedication and the rich heritage he has in the State of Colorado. I have appreciated the opportunity to serve with Senator SALAZAR in the State of Colorado and I wish the Senator well in future years.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before the senior retiring Senator from the State of Colorado leaves, let me thank him for his gracious comments. We have been a very good team and have partnered on a lot of issues over the years because we have such common interests in mind. Our States are very similar in so many ways.

The State of Colorado happens to have the hydrocarbons we do not have, when it comes to gas and oil. But at the same time, agriculture, water and timber, tourism, and all the great things many people attribute to the West are embodied in the State of Colorado and certainly in the State of Idaho.

But a very special thanks to Senator ALLARD for your fine comments. The work the Senator has done on behalf of his State is precedent setting. I hope—I know—the Senator will be continually recognized for that.

But let me also say the Senator and his wife Joan have become good friends of both my wife Suzanne and I. Those are the kinds of friendships that build partnerships in the Senate. I hope other Senators recognize the Senate works well when Senators are friends and partners.

Now, we may have our disagreements along the way, and there may be some disagreements between Democrats and Republicans, but when the collegiality of the Senate leaves, the Senate no longer works or works as well as it should on behalf of our citizens. Certainly, the collegiality between the Craigs and the Allards has been longstanding and greatly appreciated. Thank you.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3150

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 3150, the Access to Air Travel Act, that the bill be read a third time, passed, the motion to reconsider be laid on the table with no intervening action or debate, and that any statements relating to this matter appear at the appropriate place in the RECORD as if given.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Mr. ALLARD. Mr. President, I object. There is objection on the Republican side.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 7112

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 7112, which is at the desk; that the Dodd-Shelby amendment which is also at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object. The Banking Committee is working on new language which has not yet been cleared.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I want the record to reflect that this is very important legislation to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran. We have tried to get this done. It is very important. There has been objection by the Republicans. That is unfortunate.

UNANIMOUS-CONSENT REQUEST—S. 3644

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator LANDRIEU and others, that the Agriculture Committee be discharged from further consideration of S. 3644, a bill to provide crop disaster assistance, and the Senate proceed to its consideration, that the bill be read three times and passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object. I understand Senator COBURN has a hold.

The PRESIDING OFFICER. Objection is heard.

UNEMPLOYMENT COMPENSATION

Mr. REID. Mr. President, the news from Nevada about those unemployed is that it is going up every day. Nevada now has an extremely high unemployment rate, over 7 percent. But Nevada is not the most unemployed State. Michigan is over 9 percent. We Democrats are deeply concerned with the continued rise in unemployment and the fact that many unemployed workers have exhausted or soon will exhaust their benefits. We hope our Republican colleagues will allow the Senate to move legislation forward and extend unemployment compensation benefits and do it now before we recess.

UNANIMOUS-CONSENT REQUEST—S. 3507

Mr. REID. I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3507 and that the Senate proceed to its immediate consideration, that the Reed of Rhode Island amendment at the desk be considered and agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I ask unanimous consent that I be allowed to speak—I assume we are in morning business.

The PRESIDING OFFICER. We are in morning business.

Mr. HAGEL. For up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, thank you. I am very pleased you are in the chair this afternoon. For those who are not aware of the fact that Nebraska's entire Senate delegation is on the Senate floor today, one who will soon become the senior Senator is presiding. So, thank you, Mr. President.

TRIBUTE TO SENATORS

Mr. HAGEL. Mr. President, I would like to begin my remarks this afternoon acknowledging four of our colleagues who will be leaving the Senate along with me at the end of this Congress, the 110th Congress, and then make some additional comments.

PETE DOMENICI AND JOHN WARNER

Mr. President, this body will lose two of the most respected, highly regarded consensus builders in the history of this body. I speak of the senior Senator from New Mexico, Mr. DOMENICI, and the senior Senator from Virginia, Mr. WARNER. Between the two of these distinguished national leaders, they have given the Senate and this country 70 years of service.

Most Americans are aware of Senators DOMENICI and WARNER and the contributions they have made. Those of us who have had the privilege of serving with these two individuals know what they have meant to our country. They have been role models, leaders, men of conscience, of vision, of integrity, of courage. And all of those most-valued human characteristics have been evident when America has needed them most.

For their voice and their courage and their vision, we thank them. For the kind of men they are, and the Senators they have been, we thank them. We are all much enriched by our association with Senators WARNER and DOMENICI, and this country will miss them greatly.

But they leave strong legacies. They leave men and women who have been touched by their leadership and their values who will carry on behind them, emulating their leadership and their vision.

WAYNE ALLARD

Mr. President, I wish also to recognize one of my classmates with whom I came to the Senate 12 years ago. He is our neighbor from the West, the senior Senator from Colorado, WAYNE ALLARD. Aside from Senator ALLARD and Colorado usually taking Nebraska's water, we find little to quarrel with in the kind of work that Senator ALLARD has done for his State and our country.

I have had an opportunity to serve 12 years with Senator ALLARD on the Banking Committee. His very steady performance and leadership will be missed on that committee, as well as on the other committees he has served and has been very active, as my colleague in the chair knows, who served with him as well on the Armed Services Committee. His leadership on the Budget Committee in particular will be missed. I wish to acknowledge that friendship and that leadership of Senator ALLARD.

LARRY CRAIG

Mr. President, the fourth Member of the Senate who will be leaving along with me will be the senior Senator from Idaho, LARRY CRAIG. I have had an opportunity to work with Senator CRAIG over the years on environmental issues, energy issues, trade issues, agricultural issues. There have been few who have been as forceful and important a voice on behalf of those critical challenges to our country.

Senator CRAIG, Senator ALLARD, Senator WARNER, and Senator DOMENICI all leave the Senate a better institution for their service.

FAREWELL TO THE SENATE

Mr. HAGEL. On January 7, 1997, I took an oath of office in the Senate, an oath to the Constitution, and I became the 1,841st person who has ever served in the Senate. That number struck me

that day because I recognized, once again—and soon to come to truly appreciate over a 12-year period in this body—how few people have had the opportunity, the privilege, the honor to serve in the Senate.

Less than 2,000 Americans in the history of our country have served in the Senate. That does not make us better. That does not mean we are smarter or in any way more privileged. But it does reflect upon the kind of responsibility that we have in this body and the expectations that are placed on each of us, as should be the case, for our service.

I first thank the people of Nebraska for the privilege I have been given to serve in this body for 12 years. I thank my staff not for their service to me but for their service to this country. I thank my colleagues, Republicans and Democrats, from whom I have learned so much over these 12 years—in particular, Senators LUGAR and BIDEN, from whom I have learned much in serving with them on the Senate Foreign Relations Committee for the last 12 years, who have been patient with me, have helped me, as well as their staffs.

The two leaders of this body—Senators REID and MCCONNELL—I wish to thank. I have had privileged relationships with each. Senator MCCONNELL and I have grown to have a very close relationship, friendship, and I very much value that relationship. I thank Senator MCCONNELL for his many courtesies over the years, as I do Senator REID. These two men are charged with great responsibilities, and especially over the last 2 years during as difficult a Congress certainly that I have served in, and I suspect most of my colleagues have served in. They have done a remarkably good and effective job.

Certainly, I thank my family for this privilege and their support and their guidance. They, too, have been privileged and enriched and enhanced by being part of this experience over the last 12 years.

These last 12 years have been years of global reorientation and historic events. As I have represented Nebraskans during these turbulent times, I have formed judgments and drawn conclusions about America's future.

The strength of any country is its people. Constitutions, governments, public and private institutions are important, for they form the structure of a society, the boundaries of social behavior. But it is the people, the individuals, who make the difference in life and in the world.

Americans possess a generous spirit and uncommon decency predicated on faith and family, hard work, fair play, and belief in a better tomorrow. The challenges that face America today and in the future are not just American challenges but global challenges. Everything we do or don't do has global implications, just as everything that happens around the world has implications for us here in our country.

The Senate is a unique institution. It is unique among all governing bodies of the world. It is imperfect. It is slow. It is tedious. Sometimes it is maddening, certainly frustrating. But the brilliance of our forefathers understood completely and carefully—how, I don't know—that the world would at some point come together with a great confluence of complications. The need to have a body whose main responsibility would be to take the longer view—the longer view of legislation, the longer view of actions, the longer view of alliances, of relationships, of all our policies—was its primary focus. Tough questions—questions about consequences of actions, consequences of inaction—that is the essence of the Senate.

The many lessons I have learned in the 12 years I have been here reinforced my belief in our country but also reinforced my belief in these institutions and, in particular, the Congress of the United States, for the essence of public confidence is transparency and accountability. That is our institutional responsibility. It is our individual responsibility. And a free people know the facts. If free people are living in a world where there is transparency, where there is accountability, that society will prosper. It will fix its problems, and it will deal with its injustices. Oversight—which we hear much about these days, especially in light of the financial crisis we are in today—oversight and accountability are critical components of our responsibilities.

Article I of the Constitution is about the Congress. We are a coequal branch of Government. If there is anything I have learned in the 12 years I have been here, it is the importance of sharing, participating in the governance of our country, being part of that governance, helping to make decisions with the President and the executive. If one of those articles of the Constitution—and there are three that set up the coequal branches of government: the legislative, the executive, and the judicial—but anytime there becomes an imbalance in governance in a republic and one of those three becomes too powerful and the other too weak or one too weak, there will be a consequence, there will be a reaction, and it will not tilt in favor of an accountable, transparent, open, effective government. So it is like all things in life: We strive for balance. We strive for balance of governance. And the Founders of the Constitution of this great Republic have that as much the central focus as any one part of our Government.

I believe this institution of Congress will be tested more over the next few years. We need a strong President. We need a strong executive. For it is the President and the executive that we charge to carry out the policies that are made and shaped on behalf of the American people in the Congress of the United States. They must have the flexibility, they must have the authority to carry those out but not without the active participation and partnership of the Congress of the United States. In my opinion, over the last few years, we have allowed that to drift, and I believe it has cost our country dearly.

I have also learned this lesson: Bipartisan consensus is the only way a democracy will work. No party has a corner on all the virtues, nor all the answers. A country of 300 million free people, who have every right to express themselves, question their leaders, question their Government, at the end of the day must somehow find some accommodation, some consensus to govern and thereby address the issues and challenges and problems that face our country. Without that bipartisan consensus, we end up in the underbrush of political paralysis. Much of what we have seen in the last 2 years has been, unfortunately, political paralysis. We all have to take some responsibility for that. Bipartisan consensus—that has to be the focus of leadership in any institution.

I have learned also that a free press is indispensable to a free people. As frustrating as we all know, in this business, the press can be—sometimes we believe we are treated unfairly, and maybe sometimes we are—there is no substitute in a democracy for a free press. A free press is the indispensable element for a free people.

I have learned too that power corrupts. Lord Acton had it right: Power corrupts. Absolute power corrupts absolutely. That doesn't mean we are a nation or a body or an institution of corrupt people or bad people, but the more authority that is concentrated in too small a space is going to end up with not an effect that is in the best interests of a free people. Concentrations of power in the hands of a few is dangerous to a democracy. We all who exercise some power as national leaders must be mindful of this reality and stay vigilant to this reality.

The next President, who will assume as big an inventory of challenges and problems as any President, in my opinion, since Franklin Roosevelt on March 4, 1933, must immediately reach to the Congress to make the Congress a partner, and regardless of who the new President is, he must also reach to the American people and begin building a consensus of governance in this country. There will be differences. There will be strong debates. There must be and should be. But in the end, we must reach some objective, some end point, and that is to fix a problem.

We did that last night on the floor of the Senate—not that what we passed in this Economic Stabilization Act will fix all the problems; it won't. But it is important that America, our markets, the world bring back some confidence in our governance, in our systems, thereby bringing all that does flow from that confidence in a market system, the elements of commerce and trade and the possibilities to build a better life.

This next President will be faced with those challenges. So will this next Congress. I believe that will occur, not just because the American people expect it and demand it, but they deserve it. I don't think the next President or the next Congress will fail. There is no perfect solution, no easy answer, but that is why we have leaders. That is why we have governments.

I wish to go back to accountability for a moment because that is such an elemental part of anyone's life. We are all accountable in life. In our personal lives, private lives, public lives, we are all accountable to someone.

I would like to read a very short statement. As a matter of fact, I had this hanging in my reception room in my office. This was a handwritten statement that was found in the coat pocket of General Dwight D. Eisenhower. It was found at the cleaners. This was a note he wrote in his hand on June 6, 1944, the beginning of the Normandy invasion, the invasion of Europe. We all recall that was D-day. This is what then-General Eisenhower, who was the commanding general, wrote in the event that D-day was a failure:

> Our landings have failed and I have withdrawn the troops. My decision to attack at this time and place was based upon the best information available. The troops, the air, and the Navy did all that bravery and devotion to duty could do. If any blame or fault attaches to the attempt, it is mine alone.

Now, that is accountability. That is accountability. This one simple, honest, handwritten statement should be as much a guiding point for all of us in public office as any one thing.

I have also learned over the last 12 years that democracy actually does work. As raw as it is, it works. We in politics, we in government, government itself, the institution of government only reflects society. Politics reflects society. We respond. We react in a democracy. But the countervailing pressures, the countervailing dynamics, the countervailing debates and philosophies and opinions and positions balance the wheel in a remarkable way. I am not near wise enough to understand it all. I have observed it. I have participated in it up close for 12 years. It works. It works. That is why transparency is so important, so the American people can see it and feel it and understand it and be part of it.

We live in an imperfect world. There are no perfect solutions. We are all imperfect people. But institutions are important because within the imperfect world and in the process of trying to make a better world—maybe someday a perfect world—the process is important because it gets us to where we want to be. It is a highway. It is a process. We do that well here, as well as anywhere in the world. We are always striving to make it better.

I occasionally think about this great Republic, how it was formed, when it was formed. A couple of fairly recent things come to mind. When we think of less than 100 years ago, women in America could not vote. Less than 100 years ago, women did not have the right to vote. But we addressed that. We fixed that. We fixed it through amendment XIX in our Constitution.

Up until the mid-1960s, did anyone really believe that an African American had any hope or possibility to be a nominee for President of the United States, maybe even be President some day? The Voting Rights Act and the Civil Rights Act of the midsixties changed that. We know the system can work.

These are defining times. We are living through a global reorientation. One of the great responsibilities this body will have, the next President will have, we all will have, is to reintroduce America to the world. The world does not know who we are. Part of that is our fault. Part of that is not our fault. There are 6.5 billion people, and 40 percent of those 6.5 billion are under the age of 19 years old. Most people alive today were not alive at the end of World War II. This can be done. It must be done. America is a great country because we are a good people.

I wish to take my last minute in my comments today to read from a poem I have distributed to friends and staff for 30 years. I do not know the author of this poem, and I never have. I never found out who the author of this poem is. I have put it on a piece of glass and have distributed hundreds and hundreds of copies to people I have worked with over the years in different things I have done.

I end my remarks, Mr. President, this way this afternoon, by reciting this poem entitled ''The Man in the Glass'' because it reflects on each of us but, most poignantly, it reflects on each of us who has responsibility to serve the public and be accountable and honest:

> When you get what you want in your struggle for self
> And the world makes you king for a day,
> Just go to the mirror and look at yourself
> And see what that man has to say.
>
> For it isn't your father or mother or wife
> Whose judgment upon you must pass.
> The fellow whose verdict counts most in your life
> Is the one staring back from the glass.
>
> You may be like Jack Horner and chisel a plum
> And think you're a wonderful guy.
> But the man in the glass says you're only a bum
> If you can't look him straight in the eye.
>
> He's the fellow to please—never mind all the rest,
> For he's with you clear to the end.
> And you've passed your most dangerous, difficult test
> If the man in the glass is your friend.
>
> You may fool the whole world down the pathway of years
> And get pats on the back as you pass.
> But your final reward will be heartache and tears
> If you've cheated the man in the glass.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES ARMY COMMEMORATIVE COIN ACT OF 2008

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Banking be discharged from further consideration of S. 2579, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2579) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2579) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2579

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 ''United States Army Commemorative Coin Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Army, founded in 1775, has served this country well for over 230 years;

(2) the United States Army has played a decisive role in protecting and defending freedom throughout the history of the United States, from the Colonial period to today, in wartime and in peace, and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War;

(3) the sacrifice of the American soldier, of all ranks, since the earliest days of the Republic has been immense and is deserving of the unique recognition bestowed by commemorative coinage;

(4) the Army, the Nation's oldest and largest military service, is the only service branch that currently does not have a comprehensive national museum celebrating, preserving, and displaying its heritage and honoring its veterans;

(5) the National Museum of the United States Army will be—

(A) the Army's only service-wide, national museum honoring all soldiers, of all ranks, in all branches since 1775; and

(B) located at Fort Belvoir, Virginia, across the Potomac River from the Nation's Capitol, a 10-minute drive from Mount Vernon, the home of the Army's first Commander-in-Chief, and astride the Civil War's decisive Washington-Richmond corridor;

(6) the Army Historical Foundation (in this Act referred to as the ''Foundation''), founded in 1983—

(A) is dedicated to preserving the history and heritage of the American soldier; and

(B) seeks to educate future Americans to fully appreciate the sacrifices that generations of American soldiers have made to safeguard the freedoms of this Nation;

(7) the completion and opening to the public of the National Museum of the United States Army will immeasurably help in fulfilling that mission;

(8) the Foundation is a nongovernmental, member-based, and publicly supported nonprofit organization that is dependent on funds from members, donations, and grants for support;

(9) the Foundation uses such support to help create the National Museum of the United States Army, refurbish historical Army buildings, acquire and conserve Army historical art and artifacts, support Army history educational programs, for research, and publication of historical materials on the American soldier, and to provide support and counsel to private and governmental organizations committed to the same goals as the Foundation;

(10) in 2000, the Secretary of the Army designated the Foundation as its primary partner in the building of the National Museum of the United States Army; and

(11) the Foundation is actively engaged in executing a major capital campaign to support the National Museum of the United States Army.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the United States Army in 1775, and notwithstanding any other provision of law, the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins, contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, history, and heritage of the United States Army, and its role in American society from the Colonial period to today.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2011''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that specifically honor the American soldier of both today and yesterday, in wartime and in peace, such designs to be consistent with the traditions and heritage of the United States Army, the mission and goals of the National Museum of the United States Army, and the missions and goals of the Foundation;

(2) be selected by the Secretary, after consultation with the Secretary of the Army, the Foundation, and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—For each of the 3 coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation to help finance the National Museum of the United States Army.

(c) AUDITS.—The Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2-commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

JUANITA MILLENDER-McDONALD HIGHWAY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4131, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4131) to designation a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway.''

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4131) was ordered to a third reading, was read the third time, and passed.

ORGAN TRANSPLANT AUTHORIZATION ACT OF 2008

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6469, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6469) to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5693) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008''.

SEC. 2. INCREASED FUNDING FOR THE ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372(a) of the Public Health Service Act (42 U.S.C. 274(a)) is amended by striking ''$2,000,000'' and inserting ''$7,000,000''.

SEC. 3. REPORT.

(a) IN GENERAL.—The Secretary of Health and Human Services shall request that the Executive Director of the Organ Procurement and Transplantation Network submit to Congress, not later than 1 year after the date of enactment of this Act, a report that shall include—

(1) the identity of transplant programs that have become inactive or have closed since the heart allocation policy change of 2006;

(2) the distance to the next closest operational heart transplant center from such inactivated or closed programs and an evaluation of whether or not access to care has been reduced to the population previously serviced by such inactive or closed program;

(3) the number of patients with rural zip codes that received transplants after the heart allocation policy change of 2006 as compared with the number of such patients that received such transplants prior to such heart allocation policy change;

(4) a comparison of the number of transplants performed, the mortality rate for individuals on the transplant waiting lists, and the post-transplant survival rate nationally and by region prior to and after the heart allocation policy change of 2006; and

(5) specifically with respect to allosensitized patients, a comparison of the number of heart transplants performed, the mortality rate for individuals on the heart transplant waiting lists, and the post heart transplant survival rate nationally and by region prior to and after the heart allocation policy change of 2006.

(b) LIMITATION ON FUNDING.—The increase provided for in the amendment made by section 2 shall not apply with respect to contracts entered into under section 372(a) of the Public Health Service Act (42 U.S.C. 274(a)) after the date that is 1 year after the date of enactment of this Act if the Executive Director of the Organ Procurement and Transplantation Network fails to submit the report under subsection (a).

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 6469), as amended, was read the third time, and passed.

UNANIMOUS-CONSENT AGREEMENT—HOUSE MEASURES

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc, which were received from the House: H.R. 6197, H.R. 6558, H.R. 6834, H.R. 6902, and H.R. 6982; that the bills be read three times and passed en bloc, the motions to reconsider be laid upon the table en bloc, and any statements related to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PICKWICK POST OFFICE BUILDING

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,'' was considered, ordered to a third reading, read the third time, and passed.

GORDON N. CHAN POST OFFICE BUILDING

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,'' was considered, ordered to a third reading, read the third time, and passed.

CWO RICHARD R. LEE POST OFFICE BUILDING

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,'' was considered, ordered to a third reading, read the third time, and passed.

STAFF SERGEANT NICHOLAS RAY CARNES POST OFFICE

The bill (H.R. 6902) to designate the facility of the United States Postal Service located at 5136 6th Avenue in Dayton, Kentucky, as the ''Staff Sergeant Nicholas Ray Carnes Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

LEO J. RYAN POST OFFICE BUILDING

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,'' was considered, ordered to a third reading, read the third time, and passed.

UNANIMOUS-CONSENT AGREEMENT—S. 3625, S. 3521, AND H.R. 4010

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of the following bills en bloc, and the Senate proceed to their immediate consideration: S. 3625, S. 3521, and H.R. 4010; that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, and any statements related to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills.

KENNETH PETER ZEBROWSKI POST OFFICE BUILDING

The bill (S. 3625) to designate the facility of the United States Postal Service located at 245 North Main Street in New York, New York, as the ''Kenneth Peter Zebrowski Post Office Building,'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3625

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

SECTION 1. KENNETH PETER ZEBROWSKI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 245 North Main Street in New City, New York, shall be known and designated as the ''Kenneth Peter Zebrowski 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 ''Kenneth Peter Zebrowski Post Office Building''.

SPENCER BYRD POWERS, JR., POST OFFICE

The bill (S. 3521) to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office,'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3521

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

SECTION 1. SPENCER BYRD POWERS, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, shall be known and designated as the ''Spencer Byrd Powers, Jr. 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 ''Spencer Byrd Powers, Jr. Post Office''.

MINNIE COX POST OFFICE BUILDING

The bill (H.R. 4010) to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the ''Minnie Cox Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

LOUISA SWAIN DAY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 378, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 378) expressing support for designation of September 6, 2008, as Louisa Swain Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 378) was agreed to.

The preamble was agreed to.

RECOGNIZING THE 10TH ANNIVERSARY OF THE ESTABLISHMENT OF THE MINORITY AIDS INITIATIVE

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 426, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 426) recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NELSON of Nebraska. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 426) was agreed to.

The preamble was agreed to.

REDUCING MATERNAL MORTALITY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 616 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 616) reducing maternal mortality both at home and abroad.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. I ask unanimous consent the Lincoln amendment to the resolution, which is at the desk, be agreed to, the resolution as amended be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5694) was agreed to, as follows:

On page 3, line 4, strike ''greater'' and insert ''more effective''.

On page 3, lines 6 and 7, strike ''maternal health as a human right'' and insert ''that the right to access quality and affordable health care is essential to improving maternal health''.

The resolution (S. Res. 616), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 616

Whereas more than 536,000 women die during pregnancy and childbirth every year which is one every minute;

Whereas in 15 percent of all pregnancies, the complications are life-threatening;

Whereas girls under 15 are 5 times more likely to die in childbirth than women in their 20s;

Whereas nearly all these deaths are preventable;

Whereas survival rates greatly depend upon the distance and time a woman must travel to get skilled emergency medical care;

Whereas care by skilled birth attendants, nurses, midwives, or doctors during pregnancy and childbirth, including emergency services, and care for mothers and newborns is essential;

Whereas the poorer the household, the greater the risk of maternal death, and 99 percent of maternal deaths occur in developing countries;

Whereas newborns whose mothers die of any cause are 3 to 10 times more likely to die within 2 years than those whose mothers survive;

Whereas more than 1,000,000 children are left motherless and vulnerable every year;

Whereas young girls are often pulled from school and required to fill their lost mother's roles;

Whereas a mother's death lowers family income and productivity which affects the entire community;

Whereas in countries with similar levels of economic development, maternal mortality is highest where women's status is lowest;

Whereas the United States ranks 41st among 171 countries in the latest UN list ranking maternal mortality;

Whereas the overall United States maternal mortality ratio is now 11 deaths per 100,000 live births, one of the highest rates among industrialized nations;

Whereas United States maternal deaths have remained roughly stable since 1982 and have not declined significantly since then;

Whereas the Centers for Disease Control estimates that the true level of United States maternal deaths may be 1.3 to 3 times higher than the reported rate; and

Whereas ethnic and racial disparities in maternal mortality rates persist and in the United States maternal mortality among black women is almost four times the rate among non-Hispanic white women: Now, therefore, be it

Resolved, That the Senate—

(1) makes a stronger commitment to reducing maternal mortality both at home and abroad through more effective financial investment and participation in global initiatives; and

(2) recognizes that the right to access quality and affordable health care is essential to improving maternal health.

PRESERVATION OF RELIGIOUS AND CULTURAL SITES

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 705, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 705) expressing the sense of the Senate on the commitment of the United States to the preservation of religious and cultural sites.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 705) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 705

Whereas the Senate is committed to protecting and preserving the cultural heritage of all national, religious, and ethnic groups, including cemeteries and other sacred sites of those groups in the United States and abroad;

Whereas the Holocaust annihilated much of the Jewish population of Europe, and in many countries in Europe, no Jewish people were left to care for the communal properties that represent a historic culture in the area and constitute an integral part of the Jewish religion;

Whereas the Holocaust and 45 years of atheistic, Communist governments in Eastern Europe created a critical need that led to the establishment of the United States Commission for the Preservation of America's Heritage Abroad under section 1303 of the International Security and Development Cooperation Act of 1985 (16 U.S.C. 469j);

Whereas the United States Commission for the Preservation of America's Heritage Abroad is tasked with identifying and reporting on cemeteries, monuments, and historic buildings in Eastern and Central Europe that are associated with the heritage of United States citizens and obtaining assurances from the governments in those regions that those properties will be protected and preserved;

Whereas many of those properties continue to be endangered and governments and communities continue to face fundamental and compelling challenges in the preservation of those properties;

Whereas experts within Lithuania and from around the world believe that the cemetery located in the Snipiskes area of Vilnius, Lithuania, is an historic Jewish cemetery and is sacred ground;

Whereas, in 2005, municipal authorities in Vilnius, Lithuania, approved the construction of an apartment building at the outer edge of that Jewish cemetery;

Whereas that cemetery dates to the 15th century and is known by scholars in Lithuania and around the world as the first Jewish cemetery in Vilnius;

Whereas it is believed that, before the Government closed the cemetery in the early 1800s, more than 50,000 Jews were buried there;

Whereas, in December 2006, several months after experts and groups from around the world expressed grave concern about the desecration of the Snipiskes cemetery, the Prime Minister of Lithuania established a working group to define the cemetery's borders and to consider how to memorialize it;

Whereas, in 2007, before the conclusion of the working group, authorities of the Government of Lithuania approved additional construction on the disputed ground;

Whereas, in May 2007, the working group, consisting of historians, scientists, and rabbis from Lithuania and around the world, called for a halt in construction activity until completion of a site study to be undertaken using ground-penetrating radar;

Whereas, on September 3, 2008, a group commissioned by the Government of Lithuania to study the area using the ground-penetrating radar concluded that the boundaries of the cemetery included the disputed apartment buildings;

Whereas the Ministry of Culture of Lithuania released a statement dismissing the study as inconclusive;

Whereas the fact that the Government of Lithuania has allowed construction to take place at the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, and that desecration of sacred sites continues into the 21st century, is an affront to the international Jewish community, the people of the United States, and everyone who values religious freedom and ethnic diversity around the world;

Whereas the United States and Lithuania signed the Agreement on the Protection and Preservation of Certain Cultural Properties on October 15, 2002;

Whereas Article 1 of the Agreement states, ''Each Party will take appropriate steps to protect and preserve the cultural heritage of all national, religious or ethnic groups . . . who reside or resided in its territory and were victims of genocide in its territory during the Second World War. The term 'cultural heritage' for purposes of this Agreement means . . . cemeteries and memorials to the dead. . . .'';

Whereas cemeteries are sacred sites and are established to remain undisturbed in perpetuity, and the sanctity of a cemetery is determined by the bodies buried in the cemetery; and

Whereas, while vandalism of headstones or construction of a commercial building on the site disgraces the cemetery, it does not change its sacred status: Now, therefore, be it

Resolved, That the Senate—

(1) expresses strongly to the Government of Lithuania that the cemetery located in the Snipiskes area of Vilnius, Lithuania, which is an important part of the cultural heritage of the Jewish people, should not be further desecrated;

(2) urges the Government of Lithuania to take all the necessary steps to immediately stop and, if necessary, reverse, construction on that cemetery;

(3) reaffirms that constructive bilateral relations between Lithuania and the United States are important to the Governments and citizens of both countries; and

(4) expresses strong support for the work of the United States Commission for the Preservation of America's Heritage Abroad and for the European countries that continue to work to preserve sacred historical sites, despite ongoing challenges.

CONGRATULATING 2008 OLYMPIC AND PARALYMPIC TEAMS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 704 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 704) Congratulating the members of the United States Olympic and Paralympic Teams on their success in the 2008 Summer Olympic and Paralympic Games and supporting the selection of Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, I rise today to recognize the outstanding Olympic and Paralympic athletes from Maryland who proudly represented our country in the 2008 Summer Olympic and Paralympic Games in Beijing, China.

Michael Phelps II, a swimmer from Baltimore; Katie Hoff, a swimmer from Towson; David Banks, a rower from Potomac; Jun Gao, a table tennis player from Gaithersburg; Scott Parsons, a canoe and kayak racer from Bethesda; Freddie Adu, a soccer player from Rockville; Gary Russell, Jr., a boxer from Capital Heights; Tatyana McFadden, a wheelchair racer from Clarksville; and Jessica Long, a swimmer from Baltimore, made all Marylanders proud as exemplary members of Team USA.

In particular, I especially would like to recognize the three athletes from Maryland whose exceptional performances were rewarded with Paralympic and Olympic medals.

Jessica Long won four gold medals, one silver medal, and one bronze medal in the 2008 Paralympics. Jessica not only won six medals; she set the world record in the Women's 100-Meter Freestyle event.

Perhaps more extraordinary than her performance in this year's games are the challenges she had to overcome just to get to Beijing. Jessica was born with an abnormality in her lower legs and spent her infancy at an orphanage in eastern Russia before an American couple adopted her when she was 13 months old. Five months later, she had her legs amputated in the U.S. While these obstacles may have broken the spirit of most others, they only strengthened Jessica's resolve and she is now a 15-time world record holder.

Katie Hoff also excelled in Beijing, winning one silver and two bronze medals at the XXIX Olympiad. In addition to winning the silver medal in the Women's 400-Meter Freestyle event, Katie set American records in winning the silver medal in the Women's 400-Meter Freestyle Relay event, in winning the bronze medal in the Women's 800-Meter Freestyle Relay event and in finishing fourth in the Women's 200-Meter Freestyle event.

Last, but certainly not least, is the performance of Michael Phelps—the greatest accomplishment in Olympic history, and one of the greatest athletic accomplishments of all time.

This summer, Michael Phelps set seven world records and one Olympic record while winning eight gold medals, the most ever by an individual athlete in a single Olympics. He now has won 14 gold medals over the course of his Olympic career, also an Olympic record, and a total of 16 medals. To put this astonishing feat into perspective, Michael won more gold medals in Beijing than all but eight countries! And he won more medals in total than all but 24 countries!

Who will ever forget the incredible come-from-behind victory Michael and his teammates Garrett Weber-Gale, Cullen Jones, and Jason Lezak achieved in Men's 400-Meter Freestyle Relay event as they edged the favored French team by 8/100ths of a second? That was one of the most exciting and inspirational finishes in Olympic history. Just as exciting was Michael's finish in the Men's 200-Meter Butterfly event when a stutter stroke and lunge at the end enabled him to beat Laszlo Cseh by the width of a fingernail!

Despite the epic greatness of his achievement, Michael spoke modestly after winning his eighth gold, saying, ''Records are always made to be broken no matter what they are . . . Anybody can do anything that they set their mind to.'' Michael proved not only to be a model of what one can achieve with hard work and determination, but also a model of the courtesy and sportsmanship upon which the Olympics were founded. He is a self-effacing young man whose enthusiasm, modesty, cheerfulness, and charm have endeared him to people around the world.

I would be remiss if I didn't mention his extraordinary mother, Debbie, and his coach, Bob Bowman. The obvious affection and respect he has for these two people indicate just how important they have been in his life.

Michael is not content to rest on his laurels. He wants to attract more kids to swimming and to teach them about pursuing their dreams, using his own life as an example. He will donate the $1 million Olympic bonus he received from Speedo to a foundation he has created to promote water safety and youth swimming. ''This is a way for me to really help grow the sport,'' he said in explaining why he gave the prize to the newly-created Michael Phelps Foundation.

Michael knew he wanted to spread interest in swimming but also wanted to convey a message that could apply to other activities, so he is creating a program called ''Dream, Plan, Reach.'' It's designed to help children set goals and take daily responsibility for pursuing them. He is also helping to raise money for charity by autographing photos, USA swim caps, Sports Illustrated covers, and other collectibles in a deal with Grandstand Sports & Memorabilia, offering fans the chance to own keepsakes from the Beijing Games.

The people of Maryland are privileged to have had such an outstanding group represent us at the Olympic Games. All of these athletes sacrificed tremendously in order to reach this pinnacle of athletic success, spending countless hours in grueling and arduous training in order to wear the red,

white, and blue in Beijing. I commend them all for their dedication and valor, and the exemplary way in which they represented the United States of America. They have made Marylanders and all Americans proud.

I am pleased the Senate passed S. Res. 700 yesterday a resolution Senator MIKULSKI and I introduced along with 12 other cosponsors honoring the achievements of Michael Phelps, Katie Hoff, and the rest of the United States Olympic Swimming Team for their record-breaking performances at the 2008 Summer Olympic Games, where they won 31 medals, including 12 gold medals, 9 silver medals, and 10 bronze medals. While records may indeed be made to be broken, the accomplishments of this team will not be forgotten. It is fitting for the Senate to pay tribute and pass along its congratulations for a job superbly well done.

Mr. AKAKA. Mr. President, I would like to congratulate all of our national Olympic champions. The 2008 Summer Olympic games held in Beijing brought the world together, and showcased the best athletes from around the globe.

I would like to recognize the Olympians with ties to my home State of Hawaii. Representing the United States: Brandon Brooks, Robyn Ah Mow-Santos, Lindsey Napela Berg, Natasha Kai, Clay Stanley, Heather Bown, Kim Willoughby, Taylor Takata, Bryan Clay, and Clarrissa Chun. Representing the Marshall Islands in their country's first Olympics: Anju Jason, and Jared Heine. Representing Australia: Justine Smethurst, Stacey Porter, and Melanie Schlanger. Representing the Netherlands: Iefke Van Belkum, and Meike De Nooy. And representing the Philippines: Daniel Coakley, and Christel Simms. I would also like to recognize the efforts of Maui resident and Paralympian Beth Arnoult, who represented the U.S. in women's wheelchair tennis.

I would now like to highlight a few of the medal winners.

Bryan Clay, from Kaneohe, Oahu, recovered from injury last year to win his first gold medal in decathlon with an impressive performance. Clay is one of two Olympians now featured on the post-Beijing Olympics Wheaties cereal box, along with gymnast Nastia Liukin.

Honolulu native Clay Stanley helped the United States men's volleyball team defeat the favored team from Brazil to win the gold medal.

Natasha Kai, a Kahuku High School graduate, was the first player in history to be named Western Athletic Conference Player of the Year three times while playing for the University of Hawaii soccer team. As a forward on the U.S. Women's team, she scored a game-winning goal in overtime to beat Canada in the quarterfinal round. The U.S. team went on to win gold.

Punahou High School graduate Brandon Brooks helped capture silver for the United States in Men's Water polo.

Punahou graduate Lindsey Berg, and former U.H. stars Robyn Ah Mow-Santos, Heather Bown, and Kim Willoughby, all shared a hand in claiming the silver medal for an exciting U.S. Women's Volleyball team.

The University of Hawaii has a lot to be proud of, with all 10 representing athletes—including past alumni and current students—returning home with medals.

I congratulate these remarkable athletes, and all of those who competed in Beijing, and wish them success in all future endeavors. You made Hawaii and our Nation proud.

Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate all of the athletes who participated in the 2008 Summer Olympic Games in Beijing, China. The Olympic Games represents the culmination of years of dedication, discipline, intense training, and determination. These Olympians have worked tirelessly and sacrificed much for many years for the honor to represent the United States, and it was a joy and a privilege to watch them compete. The sportsmanship and athleticism exhibited was inspiring, and a sleep-deprived nation was transfixed by the many triumphant and thrilling moments that defined the Summer Games in Beijing. Our athletes competed admirably and embodied the Olympic spirit.

The 2008 Summer Olympics provided an opportunity for athletes and viewers from around the globe to witness China's culture and hospitality. As China opened its doors to the world during this 16-day span, they treated us to a visually stunning opening and closing ceremony, which bookended an equally impressive parade of athletic excellence in spectacular venues built specifically for these games.

Michigan was well represented in Beijing, upholding our State's long tradition of producing world class athletes. It gives me great pride to recognize the 27 athletes with Michigan roots who represented the United States in the 2008 Summer Games: Mike Hessman in baseball; Tayshaun Prince and Katie Smith in basketball; Courtney King-Dye in equestrian; Sheila Taormina in the modern pentathlon; Ellen Tomek and Matt Hughes in rowing; Carrie Howe in sailing; Daryl Szarenski in shooting; Kate Markgraf and Lindsey Tarpley in soccer; Kara Lynn Joyce, Michael Phelps, Allison Schmitt, Peter Vanderkaay, and Eric Vendt in swimming; Serena Williams in tennis; Ebonie Floyd, Dathan Ritzenhein, Brian Sell, and Anna Willard in track and field; Betsey Armstrong and Alison Gregorka in water polo; and Randi Miller, Adam Wheeler, Andy Hrovat, and Spenser Mango in wrestling. These Michigan athletes proudly represented our State and our Nation and brought home 22 medals: 15 gold, 4 silver, and 3 bronze.

It also comes as no surprise that the State of Michigan, which boasts some of the richest collegiate athletics programs available, has ties to another dozen athletes who competed for their countries in Beijing: Andrew Hurd for Canada in swimming; Alon Mandel for Israel in swimming; Natasha Moodie for Jamaica in swimming; Valeria Silva for Peru in swimming; Nate Brannen, Kevin Sullivan, and Nicole Forrester for Canada in track and field; Adam Harris for Guyana in track and field; Stann Waithe for Trinidad and Tobago in track and field; Nick Willis for New Zealand in track and field; and Janine Hanson and Heather Mandoli for Canada in rowing.

Athletes rely heavily on the guidance of trainers, coaches, and others to succeed. It is impossible to overlook the important role these individuals play, as they provide the direction, advice, and support central to transforming gifted athletes into Olympians. The coaches and trainers with ties to Michigan include: Bob Bowman, coach for the U.S. Swim Team; Mike Bottom, coach for the Croatian Swim Team; Steve Fraser, coach for the U.S. Greco Roman Wrestling Team; Lisa Hass, trainer for the U.S. Rowing Team; Scott MacDonald, coach for the Canadian Track and Field Team; Jon Urbancheck, coach for the U.S. Swim Team; and Kevin Jackson, coach for the U.S. Freestyle Wrestling Team.

The Olympic Games are charged with emotion. Competing in the Olympics is an honor and an athlete's fleeting opportunity to demonstrate to the world his or her ability. The opportunity to bring home an Olympic medal is an honor that many athletes dream about and only a few ever realize. These athletes shoulder a tremendous amount of pressure, yet they are still able to perform with the eyes of the world upon them. They create history, and moments many will remember for a lifetime. The 2008 Beijing Olympics had its share of moments that have been etched into our minds and hearts and stories that will be told for years to come.

Swimming provided some of the most intense moments in the history of the Olympics, and I am proud to join Senator CARDIN and others in the Senate in sponsoring S. Res. 700. This resolution, which was passed by the Senate earlier this week, salutes the historic achievements of the U.S. Olympic Swim Team. It also salutes the unprecedented achievements of Michael Phelps, who became the first Olympian to win eight gold medals in a single Olympics.

These Olympic Games were full of wonder and joy, and I know I speak for all Michiganders when I express my pride and gratitude to all of the athletes and coaches who participated in the 2008 Beijing Olympics. These individuals sacrificed countless hours in practice and pushed themselves and their teammates to perform at their best. To the athletes and coaches from Michigan, I extend to you my heartiest congratulations and thanks for representing our State and our Nation with dignity. I know my colleagues in the Senate join me in honoring every

athlete who represented Michigan and the United States in Beijing. I wish each athlete future success as they continue to strive for excellence.

Mr. DURBIN. I am honored today to recognize the achievements of the American athletes who competed in the 2008 Summer Olympic and Paralympic Games in Beijing, China.

The Beijing Games were remarkable. More than 11,000 athletes representing over 200 countries competed in this year's Olympic Games. The United States won 110 medals total at the Beijing Olympics, more than any other country represented.

The Paralympic Games, the competition for elite athletes with physical disabilities, immediately followed the Olympic in Beijing. More than 4,200 athletes from 148 countries competed, the largest number of nations ever represented at a Paralympic Games. American Paralympic athletes won 99 medals overall, 36 of them gold. The International Paralympic Committee has declared these the best Paralympic Games in history.

Americans from coast to coast were electrified by swimmer Michael Phelps, who broke the record for most gold medals in one Olympics and for most gold medals for an Olympian. I had the opportunity to admire the two gold and two bronze medals of American swimmer Ryan Lochte this week. Ryan dedicated his performance and a portion of his winnings to eradicating Duchenne muscular dystrophy, and he was on Capitol Hill this week to raise awareness of this cruel and fatal disorder.

Joining U.S. medalists in swimming was a Lake Forest, IL son—Matt Grevers who won a silver medal in the men's 100m backstroke.

In addition to Matt, I would like to commend the outstanding athletes from my home State of Illinois who represented the United States in the Olympic and Paralympic Games. NBA star Dwyane Wade, a native of Chicago, helped lead the U.S. Men's Basketball Team, often called ''The Redeem Team,'' to their first gold medal since 2000. Sean Rooney of Wheaton, IL, also took home a gold medal as part of the U.S. Men's Volleyball team, and Ogonna Nnamani of Bloomington, IL, won a silver medal along with the U.S. Women's Volleyball team.

Illinois athletes were on the medal stand during the Paralympic Games, too. Jaclyn Barnes of Wadsworth, IL, won a gold in Women's Goalball. Emily Hoskins of Mascoutah and Jennifer Ruddell of Champaign also brought home gold as part of the Women's Wheelchair Basketball team. Nichole Millage of Champaign and Hope Lewellen of Palos Park helped earn the silver for the Women's Sitting Volleyball Team. At least thirty athletes and coaches who competed at the Paralympics have direct ties to Illinois.

Last but far from least, I would like to congratulate Dawn Harper, a native of my hometown of East St. Louis, IL, for her captivating performance at the Beijing Olympics. Ms. Harper, a graduate of East St. Louis High School and UCLA, was a part of the U.S. Women's Track Team. Dawn took the gold medal in the 100 meter hurdles, and I couldn't be more proud.

The Olympics and Paralympics are inspiring. They allow us to watch athletic performance at its very best. They also remind us of the enduring human spirit that drives these athletes to sacrifice, train and prepare for these moments of camaraderie and competition with peers from countries around the world. The State of Illinois would be proud to host these games in 2016. We are preparing in the hope that, 8 years from now, the Summer Olympic and Paralympic Games will take place in the heartland of the United States—in beautiful Chicago, IL.

Mr. NELSON of Nebraska. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, that any statements be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 704) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 704

Whereas the 2008 Summer Olympic Games were conducted in Beijing, China, from August 8 to August 24, 2008;

Whereas 10,500 athletes from 204 countries participated in 302 events in 28 sports and inspired people around the world with their dedication, discipline, athletic achievement, and spirit of fair play, representing the best traditions of Olympic competition;

Whereas 596 men and women represented the United States in the 2008 Summer Olympic Games as members of the United States Olympic Team;

Whereas those United States Olympians competed in 27 sports and continued the great legacy of athleticism and sportsmanship that has characterized the history of United States Olympic competition;

Whereas, in the 2008 Summer Olympic Games, the United States sustained and increased its clear dominance as the most successful country in the history of the Olympic Games;

Whereas athletes from the United States won more medals in the 2008 Summer Olympic Games than athletes from any other country;

Whereas swimmer Michael Phelps of Maryland earned recognition as one of the greatest athletes of all time by winning an extraordinary 8 gold medals in the 2008 Summer Olympic Games to surpass the previous single-year record of 7 Olympic gold medals by Mark Spitz, also a swimmer from the United States;

Whereas Michael Phelps now also holds the record for the most Olympic gold medals ever won by a single athlete, with a remarkable 14 gold medals;

Whereas, in the 2008 Summer Olympic Games, the United States demonstrated its continued preeminence in team sports, with the men's and women's basketball teams, the men's volleyball team, the women's soccer team, and the men's and women's 4x400-meter relay teams winning gold medals;

Whereas more than 200 athletes from the United States competed in 18 sports on behalf of the United States in the 2008 Summer Paralympic Games in Beijing, China, from September 6 to September 17, 2008;

Whereas the United States Paralympic Team earned 99 medals, including 36 gold medals, reminding the world that physical challenges are no limit to human achievement;

Whereas United States Army First Lieutenant Melissa Stockwell, who lost her left leg to a roadside bomb in Baghdad in 2004, became the first veteran of the war in Iraq to compete in the Paralympic Games when she swam in the women's 100-meter butterfly, 100-meter freestyle, and 400-meter freestyle;

Whereas the people of the United States stand united in respect and admiration for the members of the United States Olympic and Paralympic Teams, and the Teams' athletic accomplishments, sportsmanship, and dedication to excellence;

Whereas the many accomplishments of the United States Olympic and Paralympic Teams would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee and the many administrators, coaches, and family members who provided critical support for the athletes:

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, the city of Chicago, Illinois, celebrate those same ideals; and

Whereas Chicago has never hosted the Olympic and Paralympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) extends congratulations for a job well done to all members of the United States Olympic and Paralympic Teams and to everyone who supported the Teams' efforts at the 2008 Summer Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to choose Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games and offers support and cooperation in ensuring successful Olympic and Paralympic Games in Chicago in 2016.

NATIONAL METHAMPHETAMINE AWARENESS MONTH

Mr. NELSON of Nebraska. I ask unanimous consent to proceed to the consideration of S. Res. 703, submitted earlier.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 703) Designating November 2008 as ''National Methamphetamine Awareness Month,'' to increase awareness of methamphetamine abuse.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Nebraska. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 703) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 703

Whereas methamphetamine, an easily manufactured drug of the amphetamine group, is a powerful and addictive central nervous system stimulant with long-lasting effects;

Whereas the National Association of Counties reported in 2007 that methamphetamine is the number 1 illegal drug problem for 47 percent of the counties in the United States, a higher percentage than that of any other drug;

Whereas 4 out of 5 county sheriffs report that, while local methamphetamine production is down, methamphetamine abuse is not (the National Association of Counties found that ½ of the Nation's sheriffs report abuse of the drug has stayed the same and nearly ⅓ say that it has increased);

Whereas the highest rates of methamphetamine use among all ethnic groups occur within Native American communities;

Whereas the consequence of methamphetamine use by many young adults in the Native American community has been death, including methamphetamine-related suicides;

Whereas sheriffs report increases in crime directly related to the presence of methamphetamine in their communities;

Whereas most illegal methamphetamine available in the United States is produced in large clandestine laboratories in Mexico and smuggled into this country;

Whereas methamphetamine labs are costly to clean up in that every pound of methamphetamine produced can yield up to 5 pounds of toxic waste, representing a public danger to adults and children;

Whereas the profile of methamphetamine users is changing, as ⅗ of the Nation's sheriffs report increased methamphetamine use by women and ½ of the Nation's sheriffs report increased use by teens;

Whereas, in surveys on the abuse of methamphetamine among teens, many of the respondents said that the drug was easy to get and believed there is little risk in trying it;

Whereas other National Association of Counties surveys have shown that methamphetamine also places significant burdens on local social service and health care resources, increasing out-of-home placements for children, sending more people to public hospital emergency rooms than any other drug, and producing an ever-growing need for methamphetamine treatment programs; and

Whereas the establishment of a National Methamphetamine Awareness month would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the Federal, State, and local levels: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2008 as ''National Methamphetamine Awareness Month'' to increase awareness of methamphetamine abuse; and

(2) encourages the people of the United States and interested groups to observe National Methamphetamine Awareness Month with appropriate educational programs and outreach activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: Kathryn Weeden of Washington, D.C.

APPOINTMENTS AUTHORITY

Mr. NELSON of Nebraska. I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED BILLS

Mr. NELSON of Nebraska. I ask unanimous consent that during recess or adjournment of the Senate from Friday, October 3, 2008 through Sunday, October 5, 2008, the Senator from Virginia, Mr. WEBB, be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. LEVIN. Mr. President, I understand that there is not a real possibility that the House of Representatives is going to take up an unemployment insurance extension bill tomorrow. I hope it does. I hope it passes. I would also fervently hope that this body will take up this bill immediately upon our return in mid-November when I understand we will be in session for 2 or 3 days. Passing an unemployment insurance extension is essential. The unemployment insurance extension which was signed into law on June 30 as part of our supplemental war appropriations bill included a 13-week extension of unemployment benefits for all States. This is less of an extension than we provided during economic downturns in the last 25 years because it does not include additional benefits for high-unemployment States.

Currently, workers who started receiving the 13-week extension in mid-July, under the current program, will have their benefits cut off in October, and 775,000 workers across the Nation are going to be cut off, including 42,000 in Michigan alone. By the end of this year, the number of individuals who will have exhausted their unemployment benefits will rise to 1.1 million nationally and 58,000 in Michigan. We must ensure that those individuals who have lost their jobs, who are looking for work during a time when our companies are reducing the number of jobs and during a time when the price of food and energy is going up, that these people are not also struggling to put food on the table, to pay their utility bills, and to cover their mortgage payments.

We have a bill in the Senate, which I cosponsored, which will provide this much needed unemployment insurance extension. The extension would ensure that out-of-work Americans have an additional 7 weeks as they continue to look for jobs. In high-unemployment States such as Michigan, the States will receive an additional 13 weeks. In August, Michigan's unemployment rate rose from 8.5 percent to 8.9 percent. The Nation's unemployment rate increased by almost half a percentage point to 6.1 percent. That is the highest since 2003.

These are very hard economic times. Unemployment rates are rising. Since January of 2001, we have lost over 3.6 million manufacturing jobs nationally and over a quarter million manufacturing jobs in Michigan. The numbers of unemployed are rising all over the country. We must act to protect American workers and their families.

The Congress needs to act before we adjourn. That means during that window, that 2- or 3-day window in mid-November. We must seize that opportunity to do what we have done in prior downturns; that is, to give greater protection to workers who are unemployed and desperately looking for work.

I ask unanimous consent that a chart comparing the unemployment benefits in this downturn to previous downturns be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS HAS EXTENDED BENEFITS FOR HARD-HIT STATES IN EVERY OTHER RECESSION OF THE LAST 25 YEARS

Date	Temporary unemployment benefits granted to all States	Additional benefits granted to high unemployment States
1982	8 weeks	Up to 14 weeks.
1991	26 weeks	7 weeks.
2002	13 weeks	13 weeks.
2008	13 weeks	None.

Source: Congressional Research Service.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

JOHN WARNER

Mr. LEVIN. Mr. President, I come to the floor today to pay tribute and to wish my warmest regards to my dear

and truly close friend, JOHN WARNER. As I have told JOHN before, I feel very deeply that working so closely with him for the past almost 30 years now was truly one of the highlights of my Senate career. He is a gracious, civil, and wise man. He has been a great friend to me and to my wife Barbara. He has been a great servant to this institution and to the Nation.

From the time that he enlisted in the Navy and rose to the rank of petty officer third class during World War II, his service as first lieutenant in the Marines in Korea, to his continued service in the Marine Corps Reserve where he rose to be a captain, to his leadership as Under Secretary and then Secretary of the Navy, JOHN WARNER has reliably strengthened our national defense for a remarkable six decades.

For the last three decades as a Senator, he has continued the unwavering dedication that he has shown throughout his military career to the men and women in uniform. He is a profile in courage and statesmanship.

JOHN WARNER and I were elected to the Senate on the same day, November 6, 1978. We have been on the Senate Armed Services Committee our entire careers, and we have worked together on 30 consecutive Defense authorization bills, authorizing funds for the armed services of the United States. We have served with some of the true giants of the Senate together, leaders such as John Stennis, Barry Goldwater, and Sam Nunn. They all understood the critical importance of bipartisanship on national security and defense issues.

Over the past few years, as JOHN and I have passed the chairman's gavel back and forth, we have worked together to maintain the spirit and practice of bipartisanship in our leadership of the Armed Services Committee. That spirit has lasted until the final days of this Congress and will last until this Congress is done, just as we have concluded work on the Defense Authorization Act for Fiscal Year 2009, with the lion's share of the credit belonging to JOHN WARNER's energy, his passion, and his commitment to supporting our Armed Forces.

The bill this year could not have passed without JOHN WARNER's support and some very courageous actions on his part. If trust is the currency of Senate dealings, JOHN WARNER is a rich man. In our many travels together—to Iraq, Afghanistan, Bosnia, Somalia, and elsewhere around the world—we have had plenty of time to discuss issues. We focus on areas of agreement, and we have trusted each other completely, even when we stand on opposite sides of an issue.

The Senate is an institution whose individual seats are occupied only briefly, compared to our long history. But this institution is placed in the stewardship of each Senator, and I can name no Senator who feels and recognizes and honors that responsibility and that stewardship more than JOHN WARNER. Time and time again, JOHN has answered the call of duty on behalf of our Nation's defense, on behalf of the welfare of the men and women and families of our Armed Forces whom he loves and respects so deeply and whose cause he so ably and passionately champions.

One of the very first Senators from Virginia, James Monroe, said:

> National honor is the national property of highest value.

Speaking to JOHN's honor, one of JOHN's staff members used to comment that JOHN WARNER is a Senator who happened to be from Virginia. What he meant is that JOHN always looks for the course of action that is in the Nation's interest and in the interest of our national security, as well as in the interest of his beloved Virginia.

JOHN WARNER has embodied the qualities that are our Nation's national greatest honor—integrity, independence, fairness, civility, and strength. Throughout his lifetime of service, he has been an unyielding advocate for causes and policies that embody those qualities. In all of his work, he has upheld the tradition of the distinguished and valuable leaders and patriots from Virginia who have shaped our country over the last three centuries. That is what our country needs in the Senate, and that is what our country expects from the Armed Services Committee. On so many occasions, when important issues arose on a variety of matters which required bipartisan solutions, the search for a partner began and ended with JOHN WARNER.

I cherish the time that we have worked together. I cherish the deep friendship that has evolved. Barb and I will forever appreciate JOHN and Jeanne's friendship. We expect to enjoy it for a long time.

CHUCK HAGEL

Mr. President, I would like to take a moment to recognize and express my appreciation for my friend and colleague Senator CHUCK HAGEL. I have served in the Senate with CHUCK HAGEL for the past 12 years. During that time, he has established himself as one who is able to rise above partisanship, and he is respected on both sides of the aisle for his honest appraisals.

For the past 2 years, I have had the opportunity to work with CHUCK on our bipartisan efforts to change our course in Iraq. We have served together on the Intelligence Committee. When we have agreed on policy, he has been a thoughtful and effective partner; and when we have not, those same qualities served the Senate well nonetheless.

CHUCK HAGEL has brought to the U.S. Senate a deeply held commitment to our nation's troops and veterans and an equally deep understanding of their needs. With that perspective, he has served as an honest broker between parties and positions, and he has been an effective advocate for our brave men and women in uniform as well as for the people of Nebraska.

He understands the power of this nation's values, not just of our military, and he has eloquently represented those values. He has defended his extraordinary independent streak with great courage.

I extend my thanks to CHUCK and wish him and Lilibet all the best in their future endeavors.

PETE DOMENICI

Mr. President, after six distinguished terms in the U.S. Senate, PETE DOMENICI is retiring. I am certain that this change of pace is a challenge in itself for a man who has over the years impressed all of us with his energy and drive and decency.

I have had the privilege of serving with PETE DOMENICI on the Homeland Security and Government Affairs Committee, and working with him on that committee's Permanent Subcommittee on Investigations. I have seen and long respected Senator DOMENICI's expertise on energy policy; his depth of knowledge in that area has made him a steady voice through many challenges and will be very much missed by his colleagues. The Senate is also losing his great depth of experience on the budget process.

PETE DOMENICI has also earned bipartisan admiration for his extensive work on mental health issues, including his leadership to pass the bipartisan Mental Health Parity Act. I know that mental health issues are very personal to Senator DOMENICI and his family; his first-hand insights have contributed significantly to congressional efforts to improve mental health care in America.

I wish PETE DOMENICI and his wife Nancy all the best as they enjoy life after the Senate.

WAYNE ALLARD

Mr. President, today I rise to recognize Senator WAYNE ALLARD, who will retire from the U.S. Senate at the end of this Congress after more than 25 years of serving and representing Colorado in the state senate, the U.S. House of Representatives and the U.S. Senate.

WAYNE ALLARD's work throughout his career reflects his intense commitment to the people of Colorado. While we frequently disagree on issues, he has earned the respect of his colleagues for his integrity, hard work and the strength and steadfastness of his support for the principles he believes in.

I have worked with WAYNE ALLARD as he helped lead our effort to move the National Trails System Willing Seller Act through Congress. Without this bill, a landowner who wants to sell to the Federal Government was denied the right to do so. The legislation provides the Federal Government with the authority to acquire land and easements from willing sellers to complete nine national scenic and historic trails authorized across the Nation. One of those is the North Country Trail, which runs through Michigan. I particularly appreciate WAYNE ALLARD's hard work on this important measure. On the Senate Armed Services Committee he brought his important background and experience as a veteran to our work on the anthrax threat.

I offer my thanks and best wishes to WAYNE ALLARD and his wife Joan as they turn to the next chapter of their productive lives.

LARRY CRAIG

I rise today to pay tribute to my colleague from Idaho, Senator LARRY CRAIG. As the chairman of the Armed Services Committee, I can particularly appreciate the vital role played by the Veterans' Affairs Committee. LARRY served as the chairman of that important committee from 2005 to 2007, and the ranking member since then. During his tenure, Veterans' Affairs has been challenged by two ongoing wars and, more recently, by public revelations of serious deficiencies in our system for caring for our wounded warriors.

Helping our Nation's wounded warriors is a cause to which LARRY CRAIG is profoundly committed. He has fought for our deserving and brave veterans, introducing bills to improve educational opportunities and to expand benefits for traumatic injuries. He helped make possible a rare joint hearing between the Veterans' Affairs Committee and the Armed Services Committee to look into the situation at Walter Reed and help formulate the wounded warrior legislation which passed through the Senate with overwhelming bipartisan support as part of the Defense Authorization Act for fiscal year 2008.

While LARRY CRAIG and I often been on opposite sides of policy debates, I admire his commitment to his views and to the people of Idaho. In addition to the Veterans' Affairs Committee, Senator CRAIG serves as the ranking member on the Subcommittees on Interior and Related Agencies, and Superfund and Environmental Health, legislative areas of great concern to the citizens of Boise, the ranchers of Midvale and the skiers of Sun Valley. And today, I join my colleagues in thanking LARRY CRAIG for his service to his State and his country, and I wish him and Suzanne the very best in the future.

EMERGENCY ECONOMIC STABILITY ACT

Mr. KYL. Mr. President, I know that many of my fellow Members are concerned about the scale of this package. And while I agree that more private sector involvement would be preferable to placing hundreds of billions of taxpayer dollars at risk, I think that the enormity of the current financial crisis requires the government to act. I believe that the legislation before us will establish the appropriate conditions for financial markets to begin repricing mortgage related investments like mortgage backed securities, MBS, collateralized debt obligations, CDOs, and whole loans in order to provide liquidity to solvent financial institutions. Then, these institutions can begin trading again so that we can avoid a complete collapse of our nation's credit markets and return to normal.

Impaired loans are now being held on the balance sheets of banks and other financial institutions as mortgage backed securities, MBS. Uncertainty surrounding the value of the underlying mortgages has made it virtually impossible to find an efficiently functioning market for these securities or rationally value them.

The uncertainty surrounding the value of these assets has caused banks and other financial institutions to gradually withdraw from the market and refrain from making new loans to firms or individuals in order to preserve their capital. Unfortunately, the underlying value of many of these securities is high but firms lack confidence to reengage in the market.

The Treasury's plan intends to make a market for these securities, allow them to be priced so that trading can continue and reinitialize financial intermediation.

Treasury's ''troubled asset relief program'' will purchase illiquid mortgage assets directly using a reverse auction to purchase the impaired assets in order to create a market and establish a price for the assets. In a reverse auction the role of buyer and seller are reversed. In a standard auction, buyers compete by make bids for a security and the best offer is taken, thereby establishing a price. This price discovery process is important because it reveals information about what the buyers and sellers think a security is worth. A reverse auction would also be better than Treasury trying to assign a price without the input of the seller. It would also hopefully prevent Treasury from paying too high a price.

The Secretary of Treasury, Chairman Bernanke, large national financial institutions, small Arizona community banks and credit unions have all warned me of the serious implications of not passing this legislation and the impact it will have on the lives of everyday Americans.

Sound financial institutions, manufacturers and small businesses are all struggling to find investors willing to provide them with cash to fund their operations. Instead, investors are irrationally selling their stocks and bonds regardless of whether or not the companies are making money and are instead hording cash, investing their money in government bonds and even gold.

If Congress fails to act, the consequences for Main Street will be severe. If banks are even willing to lend, mortgage loan interest rates will continue to rise making the purchase of a home less affordable. Major manufacturers won't be able to obtain affordable credit to purchase the raw materials and working capital that they need to stay in business. America's farmers won't be able to finance the large upfront costs associated with purchasing fertilizer and seed to plant their crops. Small businesses will not be able to get funding to extend credit to their own customers who wish to make every day purchases. Loans for college could dry up.

The stock market lost over a trillion dollars on Tuesday, reducing American wealth and individuals' retirement accounts. For the tens of thousands of dollars in reduced account balances, those in retirement or approaching retirement will be forced to contemplate accepting a lower standard of living in retirement or consider working longer.

One must remember that even though the plan contemplates the purchase of up to $700 billion in assets that the program is not likely to cost the taxpayer that much or even a significant portion of that amount.

According to CBO, ''enacting the bill would likely entail some budgetary cost which would, however, be substantially smaller than $700 billion.''

Why? Treasury will be borrowing money to buy assets, many of which do have value and are generating income. Most of the whole mortgages which underpin the MBS and CDOs Treasury will purchase have value because most Americans are current on their mortgage payments. In fact, 92 percent of mortgages are performing.

Any potential cost associated with the program is likely to be offset because Treasury can take advantage of our government's low financing costs and purchase MBS by borrowing at around 3.5 percent. The difference between the rate Treasury borrows funds at and the return on MBS will be profit which can be used to help finance the overall program.

Furthermore, like any good investor, the government will be buying securities at a relatively low price, likely below the securities' fair market value and holding the assets until their price rises.

The bill also includes a provision intended to protect against potential losses by requiring that firms selling troubled assets to the government provide warrants or senior debt instruments. The warrants would give the Treasury the right to buy stock in the future at a fixed price.

In fact, warrants were issued to the federal government as part of previous deals to provide lending to both Chrysler and America West Airlines, AWA. According to CBO, ''AWA partially compensated the government for the loan guarantee by giving it warrants to buy as many as 18.8 million shares of the company's Class B common stock at an exercise price of $3 per share—the strike price—for a term of 10 years. Those warrants increase in value with the market price of AWA stock and thus provide the government with additional compensation if its guarantee allows the company to return to profitability. Similarly, Chrysler issued warrants to the government to purchase up to 14.4 million shares of Chrysler's common stock, also with a term of 10 years.''

The Federal Government lost $85 million and $256 million on America West and Chrysler's actual loan guarantees,

respectively. However, the warrants gained in value making the Federal Government $80 million and $119 million, respectively ultimately reducing the overall cost of both loans to the taxpayer.

One final element of the plan protecting taxpayers requires that in 5 years, the President submit a proposal to Congress to recoup any projected taxpayer losses from those in the financial services industry that benefit from the program.

So as a result of these protections every dime we get back from asset sales, warrants or future recoupment will go to debt reduction.

Mr. KERRY. Mr. President, to protect and defend the economic health of our Nation and the security of the systems on which our prosperity depends, I am pleased that the Senate passed the Emergency Economic Stabilization Act last night. I call upon my colleagues in the House of Representatives to pass this legislation as soon as possible because I believe it will help restore confidence in our capital markets and our financial institutions. It will help our Nation avert serious economic dislocation that could have been the cost of inaction

I want to take this opportunity to thank Majority Leader REID, Senate Banking Committee Chairman DODD and Senate Finance Committee Chairman BAUCUS for their efforts to include critical modifications to the proposed plan by Treasury Secretary Paulson and Federal Reserve Chairman Bernanke. This legislation we are considering today includes provisions that will protect the taxpayer, limit executive compensation, provide critically needed assistance to homeowners, and provide strong congressional and judicial review procedures. Without their efforts, I do not believe we would have been able to pass this critically needed legislation.

Our Nation is facing its greatest economic crisis since the Great Depression. A series of financial institution failures and frozen credit markets have imperiled our economy. We need to take immediate action to restore confidence and help stop this threat and stabilize our financial system.

Every American family is concerned about the economic situation we face. They are already facing rising gas prices, food prices, health care costs and college tuition. Many are wondering: How will bailing out Wall Street firms help me? The answer is we have to bail out Wall Street to protect Main Street.

This will not be done without great expense to the taxpayers. However, I strongly believe that taking quick and decisive action is not only our best option it may be our only option. As we consider this extraordinary commitment on the part of the American taxpayer, we have to ask ourselves: What is the price of inaction?

The ripple effect of the collapse of Wall Street's major financial institutions could develop into an economic disaster sweeping across the country. The stark reality is that without massive Federal assistance, our financial system could collapse. Small businesses would be unable to obtain financing and jobs would vanish. Families would be unable to borrow for new homes or to send their children to college. Retirement funds could plummet. Those are the stakes.

The Emergency Economic Stabilization Act will provide up to $700 billion to the Secretary of the Treasury to buy mortgages and other assets from financial institutions. Instead of giving all the funds at once, as requested by Secretary Paulson, the legislation gives the Treasury only $250 billon immediately. The bill requires the President to certify that the additional $450 billion are required subject to congressional disapproval. It requires the Treasury to modify mortgage loans whenever possible to help keep families in their homes. It requires companies that sell bad assets to the Government to give taxpayers the opportunity to share in their future growth. This will help offset the costs of this program. Finally, it includes meaningful limits on both executive compensation and ''golden parachutes''. This will help insure that not one dime of taxpayer funds will be used to pay the salary of CEOs who have abused the public trust and played a role in developing the economic crisis we face.

American families must have confidence that the deposits they have in our banks are safe. Thanks to measures put in place during the Great Depression, deposits of up to $100,000 are guaranteed by the Federal Government. I am pleased this legislation temporarily raises the FDIC limit to $250,000. I think it will help small businesses, make our banking system more secure, and help restore public confidence in our financial system.

The Emergency Economic Stabilization Act of 2008 also contains an important provision that will help hundreds of community banks throughout the country. Prior to the Federal Housing Finance Agency placing Fannie Mae and Freddie Mac into conservatorship, many banks had invested in Fannie Mae and Freddie Mac preferred stock. Unfortunately, the value of these shares was essentially eliminated due to the Government's action. These investments—standard means for the banking industry and the Government-Sponsored enterprises to provide and raise capital—have always been viewed as a conservative investment by financial institutions.

These investments provided capital to Fannie and Freddie, and thus indirectly benefited the economy by helping Fannie and Freddie provide liquidity to the secondary mortgage market. Unfortunately, losses on these shares will have significant tax consequences for these banks, which will translate into fewer loans being made across the Nation.

Section 301 of the legislation provides targeted tax relief for all banks holding Fannie Mae and Freddie Mac preferred stock by allowing institutions to treat the losses on these securities as ordinary losses for tax purposes. This temporary change will provide a vital tax reduction against ordinary income and preserve a portion of the capital lost due to the Government's actions with regards to the Government-sponsored enterprises.

The bill is designed to give all banks—especially community banks—regardless of size or organizational structure, ordinary tax relief for these holdings. I encourage the Secretary of the Treasury to work with Congress and the banking industry to ensure that all institutions have access to this relief.

We have no guarantee that this program will fix this acute crisis. What we do know is that if Government does not step in to provide funding, we could hasten an economic meltdown.

After this plan is enacted into law, we must take bold action to revamp our regulatory practices, fix the derivatives market, offer an additional economic stimulus for businesses, provide liquidity for small businesses and provide real assistance to families bearing the weight of the crisis. This will be a long process.

I believe the moment has come to rethink the trend over the past generation toward deregulation of our financial institutions and capital markets. You can see it in the excessive use of derivatives to manage risk. You can see it in the reckless use of leverage by some financial institutions to finance ever riskier and more lucrative financial products. You can see it in our housing markets, where the concept of risk became our greatest undervalued asset. You can see it in the failure to require Fannie Mae and Freddie Mac to set aside the appropriate capital reserves. You can see it in the outrageous salaries that so many CEOs of troubled companies have earned in recent years which can be tied directly to the strategies they adopted that showed no respect for the risks they were taking with other people's money or to our Nation's economic future.

This was a perfect storm: irresponsible lending, irresponsible borrowing and a lack of basic oversight and effective regulation put millions of families in homes they could not afford. Too many Americans took unreasonable risks to buy a home when markets were booming. Too many financial institutions lowered their lending standards but didn't plan appropriately for increased risk. At the same time, some borrowers inflated their incomes and misrepresented themselves in order to buy expensive homes that they could not afford.

In 1994, I supported the Home Ownership and Equity Protection Act which gave the Federal Reserve the authority

to prohibit unfair and deceptive lending practices. It took the Federal Reserve 14 years to implement regulations to stop abusive and deceptive practices which helped cause the housing crisis.

Since 2000, I have been concerned about predatory lending and have supported legislation to stop the excesses that these lenders have too often hoodwinked homeowners into accepting. It stopped companies from imposing high-cost mortgages, included critical consumer disclosures, required creditors to assess the consumer's ability to pay, prohibited prepayment fees and penalties. This could have stopped many of the excesses we are paying for today from occurring in the first place. Unfortunately, this legislation did not receive any support from the other side.

The damage has been staggering. Five million homeowners are either in default or in foreclosure and 10,000 more join them in foreclosure every day. Some economists warn that the spike in foreclosures could lower home values by 30 percent—when even a 10 percent decline takes $2 trillion in wealth from American homeowners. The loans financing these homes are now frozen on the balance sheets of banks and other financial institutions, preventing them from providing new loans. Today we are living the consequences: an economy teetering on the edge.

It is obvious to every American that we need greater regulation of our mortgage markets and our lending practices. We must eliminate the unfair and deceptive practices that helped cause our current economic difficulties immediately.

Another crucial ingredient in today's crisis is the use of complex financial derivatives. These complex financial maneuvers—hidden from the view of most Americans—have quietly become a crucial part of managing risk in our economy. In May, the Bank for International Settlements estimated that the total value of derivative contracts was approximately $600 trillion. To put this speculation in context: that is 200 times larger than the Federal budget.

Derivatives are essentially bets on future economic behavior: financial contracts which can gain or lose value as the price of some underlying commodity, financial indicator or other variable changes. Unfortunately their rise to prominence in our economy was not matched with an increase in regulation or transparency. Warren Buffett has previously called derivatives ''. . . financial weapons of mass destruction, carrying dangers that, while now latent, are potentially lethal.''

The continuing uncertainty over derivatives has helped to bring about the recent freeze in our credit markets. For example, Bear Stearns was deeply involved in the financial derivatives markets. The Federal Reserve eventually provided up to $30 billion and convinced JP Morgan to purchase Bear Stearns because they feared its sudden collapse would produce a tidal wave of defaults around the globe. Also, since Lehman Brothers filed for bankruptcy, financial institutions and corporations have been unsure how to process and cover its derivatives and credit default swaps.

Congress must consider and pass legislation to reform and manage derivatives. We must learn from the current crisis and develop safeguards that ensure that the failure of a financial institution which holds derivatives does not cause a freeze in our credit markets.

The housing crisis also triggered a reassessment of other financial risks, including leveraged loans taken out by financial institutions to increase profits. This approach allows institutions to take much larger market positions which increases their profits but also increases their risk. In 2004, the Securities and Exchange Commission relaxed capital rules for investment banks which allowed these firms to increase their risks during good economic times. Unfortunately, some financial institutions were reckless in their use of leverage.

Published reports say Merrill Lynch borrowed an astounding 44 times the size of its capital to increase profits. If you borrow 44 times your capital and your investments increase only 1 percent you have actually made a 44 percent profit. Unfortunately, the reverse is also true. Think about it: If you have $1 and you use it to borrow and invest $44, common sense tells you that if things go wrong, you will be in a world of trouble. Well, that is exactly what happened. These risky investments caught up to Merrill Lynch. They were bought out by Bank of America after facing bankruptcy earlier this month.

We need to dramatically increase our oversight of all financial institutions and increase capital standards to insure companies like Merrill Lynch and Lehman Brothers can never again impact the U.S. financial system due to their risky business plans.

The government sponsored entities, GSEs, particularly Fannie Mae and Freddie Mac and the FHA have played a critical role in expanding homeownership. However, like too many financial institutions, these organizations included subprime mortgage debt in their portfolios but didn't plan appropriately for the increased risk they had incurred. The Congress and the Bush administration also failed to require Fannie Mae and Freddie Mac to increase their capital requirements to adjust to the increased risks. As a result, the Bush administration was forced to put both Fannie Mae and Freddie Mac into conservatorship earlier this month at a cost of approximately $200 billion to the taxpayers.

Back in 2004, I said that I expressed concern about governance and accounting problems at Freddie Mac and that I would support legislation that provides for strong, effective supervision and regulation of government-sponsored enterprises within a framework that assures their safety and soundness. During the 109th Congress, the Bush administration blocked the enactment of bipartisan legislation to reform Fannie Mae and Freddie Mac.

Going forward, in order to stop the increasing numbers of foreclosures, we need the GSEs to continue their mission, within appropriate capital constraints, to help stabilize the mortgage markets.

Executive compensation is another area that we need to address. We have all read about the outrageous salaries that many of the CEOs of troubled companies have earned over the past few years. Some have increased their pay by increasing the risks their companies take. I am pleased that Chairman BAUCUS of the Senate Finance Committee is pushing for changes in the Treasury proposal to prevent excessive compensation and golden parachutes for executives who sell troubled assets under the Treasury program. CEOs, who abused the public trust and played a role in developing the current economic crisis and are now asking to be bailed out, will not be able to receive severance packages or excessive salaries. Taxpayers will not subsidize their excessive salaries.

When you add it all up, the financial crisis is a result of failures over the past generation to provide appropriate regulation and supervision of the financial services industry. Over the past 8 years, however, what was effectively a trend toward deregulation turned into a stampede. The Bush administration and others in Congress have consistently railed against oversight and accountability during the last 8 years; now taxpayers are forced to clean up this administration's mess.

So I urge my colleagues in the House of Representatives to come together to support the Emergency Economic Stabilization Act that will help protect our vital national interest in the continued health of our economy. Next, we need to come together as a nation to help those who have been hurt by the economic crisis and to finally respond to the structural problems that have brought us to this point.

Mr. REED. Mr. President, middle-class families are being squeezed financially. They feel that the economy and the Government are just not working for them.

The vast majority of Americans are unhappy with the direction President Bush has led us over the last 8 years.

For most of the last decade there has been far too little oversight of the financial marketplace and too little help for the middle class.

I share that frustration. I have voted time and again for common sense tax cuts for the middle class, developing alternative sources of energy, like solar and wind power, greater investment in our roads and bridges, improving our schools, and expanding health coverage for children, new regulations to protect consumers, a responsible end

to the war in Iraq and a host of other important initiatives, but the sad reality is that time and again those efforts have been dashed by filibusters and vetoes by the President and his allies.

But as real as that frustration is, the economic situation requires us to act swiftly and responsibly.

The choice now is to act on this bill or watch as this economic crisis makes the already difficult economy even worse. If we fail to act, there will be more impacts on the lives of an already struggling middle class—job losses, pension losses, and an ever harder time paying for college.

That is why we must act, and that is why we must pass this legislation.

When this proposal was first unveiled, it was little more than a blank check, and I know the people of Rhode Island were outraged just like me.

But this proposal is vastly different.

Gone is the blank check.

In its place there are strong protections for the taxpayers, a greater likelihood of success, better oversight, and, most importantly, a chance for a return on this investment in stabilizing the economy.

When the President sent us his blank check, it was clear that we needed to make sure we followed the same principle anyone follows when they lend money which is that you get paid back. That is why I fought and got bipartisan support for a provision that ensures taxpayers do not remain exposed to all of the risks of this program by requiring if you participate in this taxpayer-funded program, that taxpayers get a piece of your future profits through a share in the profit of the assisted company.

This device, known as a warrant, is nothing new, and it can be very effective. In fact, in the Chrysler loan guarantee, warrants were used and resulted in a profit to the Government and in turn the American people. Warrants were also a part of the successful effort to revive the airline industry after 9/11. Most recently, Warren Buffett included them in his deal with Goldman Sachs last week, as did the FDIC in its recent brokering of the purchase of Wachovia by Citibank.

Warrants allow the taxpayers to get their money back and more if a participating company rights itself. In other words, as the company's stock goes up—as it should over time—taxpayers get to participate in that appreciation and even enjoy a reasonable premium.

No one will be shocked to learn that the President and Wall Street opposed my idea for warrants. But when faced with the simple fact that any Wall Street business transaction would exact no less of a price, protecting the taxpayer won and the special interests lost.

There are no guarantees that the assets purchased under this program will eventually appreciate, though that is certainly our hope, but at the very least warrants help safeguard the taxpayer against losses on those assets that underperform.

It is only right to ensure that the taxpayer not foot the bill for this rescue plan because the point of this economic rescue plan is to provide liquidity throughout our credit markets, not to line the pockets of those looking to make a buck on the backs of the taxpayer.

We also said ''no'' when it came to the President's proposal to spend all these funds with zero oversight and transparency. Now, there is a clear requirement that all of these arrangements are transparent and above board. Moreover, there will be a panel of outside experts who must report to the Congress and the American people on the Treasury Secretary's use of these funds and submit a regulatory reform plan in January 2009 so we can work on new laws to prevent a similar case of market failure. And, we included provisions to ensure that no-bid contracts are not awarded, contracting rules are followed, conflicts of interest are prevented, and courts have the authority to review any questions about this law.

And, we took a strong first step when it comes to the excessive pay of too many executives on Wall Street who got us into this mess. Indeed, under this bill, there will be no golden parachutes for those executives who helped create this financial crisis. Instead, they will see those sweetheart deals go away, and, indeed, the Securities and Exchange Commission and the FBI have launched investigations into many of these questionable financial transactions.

Lastly, we should not overlook that this bill also extends a number of tax cuts that will generate investments in alternative sources of energy and green job creation as well as a tax cut for approximately 92,000 middle class Rhode Islanders who would otherwise face the Alternative Minimum Tax.

This bill is necessary, but not perfect. It should be stronger when it comes to impacting those who got us into this mess, and it should contain some of the consumer and investor protections and accounting reforms I have called for over the years. There should be more resources to prevent foreclosures, not to aid people who took out a mortgage they should not have, but to protect the property values and stability of those neighborhoods facing a growing number of foreclosures.

If we don't follow up this vote with increased transparency and better regulations of the financial marketplace, we could very well find ourselves debating another economic rescue package in the not too distant future.

Indeed, I have held eleven hearings over the last year and a half in an effort to bring these regulation and accounting issues to the attention of my colleagues and the administration. These may have seemed like arcane hearings to many, but the reality is those who were supposed to enforce the rules of the marketplace and protect the economy were asleep at the wheel, or worse, blinded by a misguided ideology that over-relies on deregulation. Time and time again, witnesses at these hearings said everything was okay or was at least manageable. They said we should not have hearings and that less oversight and regulation would cure any problems. Now, two of the companies that testified don't even exist. The status quo is unacceptable, and I am hard at work on legislation to reform oversight of Wall Street because the current system failed.

The bill is prompted by a systematic failure by all the financial regulators who turned a blind eye to the problems that had been identified well before this crisis erupted.

Reckless and irresponsible business decisions brought us here, but lax oversight and poor risk management by regulators also played a starring role.

No one is happy that we have to act, but we need to act to avoid further damage to our economy. The task before us now is to protect people's jobs and retirement savings, and do our best to craft a solution to the credit crisis that prevents our economy from grinding to a halt.

The question must also be asked: How can we prevent this from happening again?

The administration found that it could no longer control events. Instead, events controlled the administration as credit markets have stubbornly remained frozen and banks still refuse to lend to each other. Small businesses are finding it harder to get credit, as are consumers.

No one takes lightly voting for a $700 billion package, even with taxpayer protections I and my colleagues built into it. These sophisticated institutions and complex instruments impact very concrete, everyday assets, from homes to retirement savings. We must act now to protect these important assets.

Fundamentally, this is about protecting the savings and well-being of all Americans and providing access to capital and credit for businesses and governments to make investments in our future.

The Senate has taken the first step and I urge the passage of this legislation.

Mr. ROCKEFELLER. Mr. President, I rise today, at this difficult moment in the history of our Nation, as a proud Senator from West Virginia—a State whose people know a thing or two about working hard, playing by the rules, and protecting and defending the American dream in the face of adversity. They believe in looking out for one another, and they deserve just that in return from their Government.

For some time now, many West Virginia families have been besieged by rising gas prices and increased food and utility bills. Already strained paychecks are being stretched to the limit, and families are increasingly finding

themselves on shaky ground. They know they are one illness, one lost job, one accident away from falling into a deep hole. People are worried that they are going to lose their homes, they are watching their property values decrease as neighbors face foreclosure, and they are fearful that this will be the week their job gets cut or their retirement plan goes under. This anxiety is not just being felt by those who make the minimum wage, it is being felt by everyone in every corner of my State. People are angry, and I share that anger.

I have spent my entire career fighting for West Virginians to have a voice and to make sure they don't get the short end of the stick. The Putnam County factory worker who relies on their job at the plant, the St. Marys High School student who is dreaming of attending college to be a teacher, and the thousands of homeowners across the state who are entitled to real peace of mind knowing that the house they have been paying for every month like clockwork for 20 years will not be taken from them.

As our financial markets have deteriorated, banks have collapsed and credit has begun drying up. Small businesses have had a tougher time accessing capital to operate and keep workers employed. Even prominent American companies such as GE, GM, and Caterpillar are beginning to feel this credit crunch. That means less investing in the future, fewer plants opening, and—what I fear most—massive layoffs, long unemployment lines, and a real run on the banks.

Just yesterday I was contacted by the president of a midsized West Virginia manufacturing company that is feeling the pain of this financial crisis. Because of the credit crunch, his customers can't get the capital to purchase his products, cutting in to his company's sales. Monday's huge drop in the stock market, after the House failed to pass a rescue bill, caused his employees' 401(k) plans to lose a full year's worth of value in one day. That means his employees would have to work one additional year in order to recover the value in their retirement plan.

We all knew the economy was weakening but the magnitude of this crisis—watching our financial system crumble—has been shocking. The full impact of this disaster is not yet known, but it is safe to say this is the most troubling series of financial events I have seen in my lifetime.

In response to this crisis, the President sent the Congress a request for a $700 billion blank check—with no details on how the money would be spent, no oversight, no regulations for greedy Wall Street bankers, and most importantly no protections for taxpayers.

With my colleagues on both sides of the aisle, I have been working to determine the best way forward. I have considered the situation and the options very carefully. I have consulted experts in West Virginia and elsewhere, and I have concluded that what we face is extremely serious; and if we do not take action now, the impact on West Virginia families will be devastating.

We should not be in this situation. The lack of regulation or warning by the Bush administration is reprehensible, but the challenge is very serious and we must face it together head on. There is no guarantee that a rescue plan will stop the bleeding, but we must try.

From the beginning, I made it very clear that I would only support a rescue plan that looked out for the needs of people on Main Street and for the taxpayers who work to keep this country strong. The rescue plan we have agreed to is designed to help West Virginians get some of the financial help and tax relief they need and will need in the difficult months ahead. The plan is not perfect and we must do more—but it is an important step.

Six key pieces of the legislation were critical for my support:

First, the bill mandates that taxpayers share in any future profits in order to recoup their funding if at all possible.

The legislation gives the Treasury Department the authority to take warrants or equity in companies that participate, effectively acquiring stock in the company. The warrants help reduce the risk to the taxpayers. If the price the government pays for the assets is low and the banks end up benefiting, the government would own a share of that benefit. If the government is unable to recover the money spent by Treasury after five years, the President must submit a plan to recover the shortfall from the financial services industry.

Second, the bill establishes an oversight board and an independent Inspector General who will watch over the day-to-day operations of the Treasury from the inside out.

I joined some of my Senate colleagues led by the distinguished chairman of the Senate Finance Committee, MAX BAUCUS, in calling for this IG. The American people deserve the advocacy of a tough, independent IG who wakes up every morning with one mission in mind: to track the work of the Treasury—in the greatest detail possible—in order to hold the officials executing this plan accountable and protect taxpayer dollars.

Third, the bill limits executive pay for failed CEOs who abused the public trust, and for continuing or future CEOs whose companies participate in the Government rescue.

It was recently reported that Wall Street's five biggest firms paid more than $3 billion in the last 5 years to their top executives while they presided over the sale of the subprime loans and securities that brought down our financial markets. This is offensive and immoral. These are taxpayer dollars—the American people's money—and we cannot allow this to continue.

The legislation limits CEOs and corporate executives from leaving companies they drove into bankruptcy with ''golden parachutes''—especially with taxpayer dollars. The bill cuts the current tax deduction on executive pay in half and then charges a 20 percent excise tax on any company that gives excessive compensation packages. These restrictions were hard fought, and in my view not enough, but if some companies or executives find a loophole and try to take advantage of taxpayer dollars here, I assure you we will clamp down even further.

Fourth, the bill provides relief to homeowners who have been caught up in the current mortgage crisis and are trying to save their homes.

The bill starts to address the root of this financial crisis—foreclosures—not by giving a pass to individuals who took out loans they could not afford, but by allowing the Government to renegotiate mortgage terms. Two million more foreclosures are projected in the next year and it is in everyone's interest to bring that number down, keeping more families in their homes and paying off their debts.

Fifth, the bill raises the FDIC insurance limit temporarily to $250,000, providing more liquidity to banks and addressing the current crisis of confidence, which is causing people to pull their money out of their banks and contributing to the credit crunch.

This is especially important to small businesses which employ over 50 percent of our private work force in West Virginia and which rely on banks to loan them the necessary capital to make payroll, stock their shelves, and invest in new projects and jobs.

Sixth and lastly, the bill includes very substantial tax relief, so that working Americans also get the financial help they need in this time of crisis.

Now 24 million families who can't afford a higher tax bill—including 86 thousand in West Virginia—will be protected from the Alternative Minimum Tax. The parents of almost 80,000 West Virginia children will now qualify for an even better child tax credit, and families will get help with college costs. Teachers who put out money from their own pocket to buy school supplies will get a deduction to help pay them back, and companies will get a boost to do more research and development and create new jobs.

And very importantly—for a secure future on all fronts—the bill puts into law a whole host of energy and clean coal provisions: $5 billion for renewable energy, $1.5 billion for clean coal facilities, $1.2 billion for the Black Lung Trust Fund, and an incentive for the steel industry fuel, a $20 credit for carbon sequestration, and more protection for our coal miners with increased investment in mine rescue teams and state-of-the-art mine safety equipment.

As a Governor of West Virginia during the early 1980s, I saw the crippling

and damaging effects that the recession had on the people of my state. I don't want to see our industries fail, thousands of people lose their jobs, or the kind of fear, uncertainty, and hopelessness that defined those times.

Nothing matters more to me than helping West Virginia families hold on to their life savings, their jobs, their homes, their retirement, and their hopes for the future.

Failure to act will severely hurt West Virginia families and that is a risk I am not willing to take.

I also want to be clear that there are likely more tough times ahead. This plan is intended to prevent an economic catastrophe, but it alone will not put us on the path to prosperity.

We still must turn our attention to broader economic recovery, from healthcare, to increased wages, to expanded job opportunities, to major public infrastructure investments, to restoring fairness to our tax system so that the middle class can once again prosper.

The people of West Virginia deserve lasting solutions and I will fight every day to make sure this happens.

TIMBER TAX PROVISIONS

Mrs. LINCOLN. Mr. President, I am concerned that this stabilization package, which includes package of business tax incentives, does not extend the timber tax provisions that were enacted in sections 15311 and 15312 of the farm bill and which are scheduled to expire in May 2009. I and others have long advocated the enactment of provisions that would permanently reform the tax rules for timber income. Given budget constraints, as part of the farm bill, we established the new rules for 1 year as a first step. It is important that the provisions not be allowed to lapse. Otherwise, our good work could be undone because we will revert to the same situation as before in which companies that harvest timber are subject to higher tax rates simply because of their form of business organization.

As we consider tax extenders legislation, my specific concern is that, by extending a variety of expiring tax provisions until the end of 2009 but not extending the timber tax provisions, we may create the impression that the timber tax provisions are not likely to be extended. Because of this concern, I am interested in learning, from the chairman and ranking member of the Finance Committee, about their plans for considering an extension of the timber tax provisions.

Mr. SMITH. Mr. President, I agree with Senator LINCOLN. We made good progress in enacting the timber tax provisions in the farm bill, but we must take the important next step of making the provisions permanent or, at the very least, extending them.

Mrs. MURRAY. Mr. President, I would like to agree with the points made by my colleagues. The timber tax provisions are critically important to Washington and other States that rely on timber jobs, and the provisions must be extended promptly. I have discussed this matter with the chairman of the Finance Committee, and he has assured me that he will work to extend the provisions early next year.

Mr. BAUCUS. I am happy to respond to the Senators from Arkansas, Oregon, and Washington, whom I have worked with for several years on this issue. They and others have persuaded me that the timber tax provisions are fair and are important. That is why I strongly supported including the provisions in the farm bill.

That said, I believe that the timber tax provisions are in a different category than the extenders that are included in the current bill. The extenders in this bill are provisions that have been in the Tax Code for some time, and most already have expired. The timber tax provisions, in contrast, are new—enacted earlier this year—and, as the Senator said, they do not expire until May 2009. In light of that, although I strongly support the timber tax provisions, I believe that it is better to address them early next year rather than as part of this bill. I anticipate that we will be considering tax legislation early in the next Congress. I will work with Senator LINCOLN, Senator MURRAY, and other interested Senators to see that the timber tax provisions are extended.

Mr. GRASSLEY. I agree with the chairman of the Finance Committee. I support the timber tax provisions and believe they should be made permanent or at least extended. I also agree with Senator BAUCUS that we have time to consider the matter early next year, and I will work with him to pass a timely extension.

Mr. DODD. Mr. President, I rise to discuss the intent in section 105(c) of the Emergency Economic Stabilization Act of 2008, ''Regulatory Modernization Report,'' of the important requirements for analysis of regulation of the over-the-counter swaps market and for recommendations regarding the enhancement of the clearing and settlement of over-the-counter swaps.

The OTC swaps market is enormous, estimated to be $600 trillion. This market is primarily made up of interest rate swaps and Credit default swaps. Corporations, banks, insurance companies, GSEs, pension funds, State and local governments and endowments all participate in the OTC swaps market.

The OTC swaps market is a ''bilateral contract'' market which does not involve an exchange or a clearinghouse. It is directly between two parties, which results in each party bearing ''counter party credit risk.'' In other words, if one of the two parties goes bankrupt or fails to pay, the other party can suffer a complete loss on the transaction.

Since the OTC swaps market has impacts on the financial system, it is appropriate and timely to look at it carefully. Some of the largest OTC swaps market dealers and market participants have been merged in federally arranged transactions into stronger market participants, taken into Government conservatorships or receiverships or provided a line of credit directly by the Federal Government. These actions were taken, in part, because of concerns by Federal authorities about either the losses in their OTC swaps books and or the potential cascading effect on OTC swaps market if such an entity failed.

The Treasury Report should look at the OTC swaps market generally and the current and potential options for improvements in clearing contracts, such as through a Federally licensed clearinghouse, with a view to whether it would materially lower credit risk. The Report should consider issues such as the processing of confirmations, margining, collateral management, market access, transparency in pricing, and safety and soundness concerns.

Mr. President, I want to acknowledge the efforts of the many staff members who have labored almost around the clock over the past several weeks to help craft this legislation.

FROM THE BANKING COMMITTEE

Amy Friend, Dean Shahinian, Jonathan Miller, Aaron Klein, Julie Chon, Jenn Fogel-Bublick, Lynsey Graham, Brian Filipowich, Drew Colbert.

FROM SENATOR GREGG'S COMMITTEE AND PERSONAL STAFF

Denzel McGuire, Jim Hearn, Allison Parent, Christopher Gahan.

FROM THE FINANCE COMMITTEE

Russ Sullivan, Cathy Koch, Mark Prater.

FROM SENATOR CONRAD'S BUDGET COMMITTEE AND PERSONAL STAFF

Mary Naylor, Tom Mahr, Lisa Konwinski, Matt Salomon, John Righter.

FROM THE JUDICIARY COMMITTEE

Bruce Cohen, Kristine Lucius.

FROM THE MAJORITY LEADER'S OFFICE

Bruce King, Mark Wetjen, Gary Myrick, Randy Devalk.

FROM THE REPUBLICAN LEADER'S OFFICE

Rohit Kumar, Derek Kan.

FROM THE OFFICE OF LEGISLATIVE COUNSEL

Laura Ayoud, Rob Grant, Didem Nisanci with Senator REID, David Stoopler with Senator SCHUMER.

Last but not least, our extraordinary Floor Staff, led by Lula Davis and Dave Chiappa.

TRIBUTE TO SENATORS

CHUCK HAGEL

Mr. MCCONNELL. Mr. President, with the end of a session fast approaching, it is time once again to say farewell to some of our favorite colleagues in the Senate. And today that includes our friend, the senior Senator from Nebraska.

CHUCK HAGEL's long record of service is well known to many. What some may not know is that that record of service long predates his time in Washington.

Responsibility was thrust upon CHUCK at an early age. A fourth generation Nebraskan, CHUCK became the man of the house at the young age of 16 after the death of his father.

And he accepted the responsibility head on, working hard to support his mom and younger brothers.

But even then working hard was nothing new to CHUCK HAGEL, who had taken his first job delivering papers at the age of 7.

As a young man, CHUCK answered the call and volunteered to serve in Vietnam, and CHUCK's fellow soldiers turned to him for leadership.

One of the soldiers who served right alongside CHUCK was his younger brother Tom. By coincidence, the Hagel brothers ended up in the same unit and rode together in the same armored personnel carrier.

In a defining act of heroism, CHUCK once dragged his brother out of that carrier after it had struck a landmine and burst into flames. The blast left CHUCK badly burned and ruptured both his eardrums. Yet despite serious injuries to himself, he brought his brother through enemy fire to safety.

After returning home from Vietnam, CHUCK worked his way through college and got his first taste of Washington working for Omaha Congressman John McCollister.

Later, CHUCK would show his drive and his leadership in the business world. Taking a risk, he sank his entire savings into a business venture that eventually paid off.

And then, 12 years ago, he took another gamble. And we are glad he did.

A political newcomer, CHUCK defeated Nebraska's sitting State attorney general in a primary, and then a popular incumbent governor in the general election for a seat in the U.S. Senate.

I will note, Mr. President, that the governor he beat is now the junior Senator from Nebraska. And in a sign of CHUCK's character and commitment to the people of Nebraska, the two former rivals have worked in tandem on many issues for the good of the people of their State.

I know Senator NELSON would agree that Senator HAGEL's departure is a great loss for this Chamber and for the people of the Cornhusker State.

CHUCK's advocacy for the people of Nebraska was reaffirmed 6 years ago when the voters sent him back to Washington for a second term.

In a sign of his effectiveness and his popularity, he won reelection to the Senate by the biggest margin Nebraska has ever seen.

The one-time political newcomer trounced his opponent, winning 83 percent of the vote—and all 93 counties in the State.

In two terms in the Senate, CHUCK has earned the respect of his colleagues and risen to national prominence as a clear voice on foreign policy and national security. He has consistently fought to expand free trade, particularly with Vietnam.

CHUCK's stature as a leading voice in foreign affairs has earned him a reputation, in just 12 years in the Senate, as one of Nebraska's great statesmen. This is a tribute to his intelligence, hard work, and devotion to a country that he has served his entire adult life.

Elaine and I have enjoyed getting to know CHUCK, Lilibet, and their family over the years. I know CHUCK's a proud dad. And his kids should be proud of their dad.

CHUCK, it has been an honor, and a pleasure, to serve with you. We all wish you well in whatever future endeavors you choose to take on.

I am confident that, even though Nebraska is known as a flat State, whoever succeeds CHARLES TIMOTHY HAGEL in the U.S. Senate is going to have a very steep hill to climb.

LARRY CRAIG

Mr. President, one of the great sticking points for the framers of the U.S. Constitution was how small States would be represented in the new Government.

In the end, the compromise that gave small and big States equal representation in the U.S. Senate broke the logjam, paved the way for ratification, and became one of the most distinctive—and best—features of our democracy.

It has ensured that the interests of all Americans, including those who live in remote or secluded corners of the country, are felt in the halls of power. And, throughout the life our country, it has meant that men and women who understood those interests and who could communicate them with clarity and purpose would always have a central place in the U.S. Senate.

For nearly two decades, LARRY CRAIG has been that person for the people of Idaho—a fierce advocate and an effective legislator who understands the needs of his State, and always delivered.

The grandson of a homesteader, Senator CRAIG was born on a ranch north of Boise and attended public schools. He graduated from the University of Idaho in 1969 and may have been its most prominent alumnus before the world got to know the current Governor of Alaska a few weeks ago.

After college, Senator CRAIG served in the National Guard, worked as a farmer-rancher, and was elected to the Idaho senate in 1974. Seven years later, Idaho voters sent him to Washington.

After a decade in the House, they sent him to the Upper Chamber. And he has been fighting their battles here in the Senate ever since.

One of his favorite targets over the years are the Western lands policies favored by big city environmentalists but opposed by the native Idahoans who cherish and live off the land.

He fought revisions of the Mining Act of 1872, and a Clinton-era proposal to introduce grizzlies into Idaho's Bitterroot Range.

Over the years, he's fought anyone who tried to impose rules and restrictions on land use that natives oppose. Those battles heated up in the wake of the Supreme Court's 2005 Kelo ruling. And over the last 3 years, he's fought hard to protect the private property rights of farmers and ranchers, who have been left especially vulnerable by the Court's Kelo decision.

Senator CRAIG took a lead role in the Farm Bill debate over the last 2 years, making sure it included funds to support specialty crop producers in Idaho, one of the Nation's top producers of specialty crops, and about one-third of the Nation's potatoes. And he played a vital role in smoothing the way for the bill's final passage earlier this summer.

As chairman of the Public Lands and Forests Subcommittee, Senator CRAIG fought to reform the Nation's Forest Service, which drastically reduced the timber harvest on public lands during the Clinton Administration, cutting into the livelihoods of Idahoans in small towns across the State.

For municipalities that couldn't recoup the losses from lost timber revenue, Senator CRAIG reached across the aisle and worked with Senator WYDEN to find compensation that helped them cope. It was a characteristic gesture of bipartisan work, and one he's employed repeatedly over the years.

He's been a strong defender of free trade.

As chairman of the Special Committee on Aging, he sponsored a bill that would enable seniors to buy State-approved long-term care policies.

And he has been a good friend to our Nation's veterans, serving as chairman of the Veterans' Affairs Committee.

A new tower at Boise's airport would not have been built without Senator CRAIG's help. Neither would the new VA clinic that opened in Caldwell just last year. In a long Senate career, Senator CRAIG has fought with clarity and conviction for Idahoans. Along the way, he has been a friend of veterans, children seeking a home through adoption, and thousands of American farmers and ranchers, particularly those in the Pacific Northwest.

And, along with three other Senate colleagues who've moved on, he entertained us as a member of the Singing Senators.

With Senator CRAIG's retirement, the last of the Singing Senators will have left the building.

And the people of Idaho will have lost one of their greatest champions.

JOHN WARNER

Mr. KYL. Mr. President, considering the long and distinguished history of the State of Virginia, it is quite an accomplishment to be the state's second-longest serving Senator. But, that is just one of Senator JOHN WARNER's many accomplishments.

Senator WARNER has been serving his country since 1945 when he enlisted in the Navy. Later, he joined the Marine Corps and served in Korea. During the Vietnam war, he served in the Department of the Navy, ultimately attaining the position of Secretary.

Senator WARNER's service and knowledge of the military have guided his work in the Senate. He has served as chairman of the Armed Services Committee and has guided many bills

through the Senate. His commitment to the men and women in uniform has never wavered, and he has used his position to make sure that they have the resources they need to complete their mission. Debating a Defense authorization bill without the leadership of Senator WARNER will be a new experience for most of us.

On a daily basis, Senator WARNER provided a fine example for other Senators. For the Senate to function properly, there must be comity in the body. Senator WARNER was courteous and always willing to settle disagreements in a way that befits Senators. The Senate cannot work on behalf of Americans if Senators are unwilling to work in a courteous and bipartisan manner. Senator WARNER understood that fact well.

Senator WARNER has served in the Senate for 30 years, winning five elections. Many Americans have never seen a Senate without JOHN WARNER, and many Virginians have always had JOHN WARNER as their Senator.

When JOHN leaves the Senate, the body will lose not only a distinguished legislator but also a consummate gentleman.

CHUCK HAGEL

Mr. President, when the 111th Congress convenes next year, the Senate will be without Senator CHUCK HAGEL. Senator HAGEL has decided to retire from the Senate after two terms. His career in public service, however, long predates his service in Congress.

Like many public servants, Senator HAGEL entered politics after first serving the Nation in the armed forces. He saw combat in Vietnam and served with valor, receiving two Purple Hearts among other decorations. He would later serve as a congressional staff member, and in 1981, President Reagan tapped him as Deputy Administrator of the Veterans Administration.

When Senator HAGEL came to the Senate, his actions often reflected his experience as a combat veteran. He did what he believed was best for the men and women in uniform, and he defended his positions forcefully.

Senator HAGEL has continued to protect and defend the country, notably through his work on the Foreign Relations and Intelligence Committees. He had strong opinions, and he was never shy about letting them be known.

I wish Senator HAGEL all the best in his pursuits after the Senate. I expect that he will devote much of his time to his wife Lilibet and their family, but I imagine he will save some time to follow his Nebraska Cornhuskers.

PETE DOMENICI

Mr. President, the Senate will be a different place when Senator DOMENICI departs at the end of this session. I say that as a colleague and as a neighbor in the great Southwest.

Senator DOMENICI has served in this body for six terms, longer than any Senator in the history of New Mexico. Judging from the energy that he has displayed during the past months, he could serve another; but he has decided to retire, and it is well deserved.

During his time in the Senate, Senator DOMENICI has been involved in some of the most difficult issues to confront the body. Recently, he has spoken eloquently about the financial stabilization plan the Senate just passed; and earlier in the summer, he was one of the more vocal advocates of securing this nation's energy future. Of course, he has long supported reducing the country's dependence on foreign sources of energy, but this summer he addressed the issue with renewed vigor.

Senator DOMENICI has been of great help to his neighbors in Arizona. Without his assistance, we would not have an Arizona Water Settlements Act, one of the landmark settlements in the history of the country. He has also been working hard on a water settlement for New Mexico. It won't be completed before he leaves the Senate, but Senator DOMENICI has been instrumental in getting the settlement as far as it has.

Senator DOMENICI should also be proud that legislation he has worked on for some time now is poised for passage. Mental health parity has long been a priority for Senator DOMENICI, and it appears he will be able to add it to his long list of accomplishments in the Senate.

When a Senator has served as long as Senator DOMENICI, it is difficult to imagine the Senate without him. My Senate colleagues and I will miss PETE and Nancy, and we will remember his legacy of leadership and years of distinguished service to the nation.

LARRY CRAIG

Mr. President, five colleagues on my side of the aisle are retiring from the Senate at the end of this session. They have served for many years, and I have come to know each of them very well.

Senator LARRY CRAIG and I served in the House together until 1990 when Senator CRAIG moved to the Senate. I joined him four years later. We represent Western States, so we have had occasion to work together on issues that are important to the American West.

In his position on the Energy and Natural Resources Committee, he has defended property rights and stood for the prudent use of our natural resources. He has also been a strong advocate of Americans' second amendment rights. And, as a member of the Veterans' Affairs Committee—for a time the ranking member—he has worked to ensure that veterans receive the benefits they were promised.

Senator CRAIG has held a number of positions among Senate Republicans. He served as chairman of the Republican Policy Committee, and he participated in the musical effort of Senators Trent Lott, John Ashcroft, Jim Jeffords, and himself—the Singing Senators.

After almost three decades in the U.S. Congress, Senator CRAIG is now leaving public service. Idaho has lost a great Senator who always looked out for the interests of the State and its citizens. He has a great record of accomplishment on which to reflect—numerous legislative victories and, of course, one CD.

We will miss Senator CRAIG in the Senate, especially the spirited remarks he so often delivered on the Senate floor.

I wish LARRY and Suzanne all the best and hope they have many happy moments with their wonderful family.

WAYNE ALLARD

Mr. President, as this session draws to a close and as we look forward to the 111th Congress, I would be remiss if I didn't pay tribute to my colleagues who are retiring after years of service to their country.

I have known Senator WAYNE ALLARD since we served in the House together.

Senator ALLARD served with distinction on the Armed Services Committee, and we have worked together to make sure that this country is prepared to meet national security challenges. Both of us believe strongly in President Reagan's famous axiom, ''peace through strength.''

Recently, we worked together to secure funding to study the possibility of basing missile defenses in space. As a result, policymakers will finally begin to have the information necessary to debate the overall feasibility of a space-based missile defense layer. The space threat will only grow in the years ahead, and I am pleased that I was able to work with Senator ALLARD to make small, but measurable progress towards better defending the nation.

Senator ALLARD is the model legislator. He's not a professional politician, but a veteranarian by trade. He understands that the money we spend in Washington is not the government's money, but the taxpayers'. And he proves it, returning over $4 million of his office's funds to the government's coffers. His votes are based on principle, not politics.

I wish Senator ALLARD all the best. Colorado has lost a great legislator, but I am sure that his wife Joan, his children, and his five grandsons will be glad to have him at home more often.

JOHN WARNER

Mr. THUNE. Mr. President, today I rise in tribute to the senior Senator from Virginia, the honorable JOHN WARNER. Senator WARNER is without a doubt one of the finest Senators this chamber has ever had, and the Senate will be a lesser place without him.

Senator WARNER is truly a great American—a patriot who has devoted 45 years of his life in service to his country. One of America's Greatest Generation, he served his country honorably during World War Two, enlisting before he was 18 years old. When war in Korea broke out, he again answered his country's call to arms. After earning his law degree, he served as the Under Secretary and later the Secretary of the Navy, again serving with great distinction and integrity.

In 1979, Senator WARNER came to the Senate to begin his 30 year Senate career. As in every one of his endeavors

before, he immediately made an impact, eventually serving with distinction as chairman of the Senate Armed Services Committee. It is in this capacity that I have had the great privilege of working with him and getting to know him over the last 4 years.

Senator WARNER's leadership on the Armed Services Committee has been invaluable. There is no doubt that when he speaks, all are wise to listen. He provides unwavering, courageous leadership that all lean upon. There is never any doubt to his motives. His only motive is to look out for our men and women in uniform and ensure our Nation's defense. His first priority is his country.

Senator WARNER has never failed to lead courageously. At times, some of the positions he has taken have been politically unpopular, but his latest reelection—with over 82 percent of the vote—attests that his constituents know he is only dedicated to doing one thing—the right thing. In times of crisis, there is no doubt that Senator WARNER becomes a rock that we all lean upon when we face the most challenging issues of our time. He was one of the leaders that worked on the Military Commissions Act and the incredibly difficult and contentious issue of detainees. Once again, just this year, he led again, this time by becoming one of the Gang of 20, trying to provide bipartisan solutions to American's energy issues. And, of course, it took his leadership to bring about passage of the Defense authorization bill this year, a bill that by tradition is passed each year, but which was looking extremely doubtful of passage for the first time in decades.

I have only one regret regarding my service with Senator WARNER, and that is I did not have the opportunity to serve with him longer. One of the finest statesmen of his time, I am proud to call him my friend. I aspire to his example and his name belongs in the pantheon of the Senate's greatest figures.

Last, I would like to tell him thank you. Thank you for your great service to our great Republic. Thank you for the untold sacrifices you and your family have made along the way in your 45 years of public service. Thank you for your integrity, patriotism, leadership, and honor.

As I noted before, the Senate will be a lesser place when he leaves, but I wish Senator WARNER a fond farewell and Godspeed.

JOHN WARNER

Mr. COLEMAN. Mr. President, as the Senate completes its work for the year, we have also reached the end of the distinguished career of the senior Senator from Virginia, JOHN WILLIAM WARNER, Jr.

In their wisdom, our Founders created the Senate to be a body like no other on Earth to harness the special wisdom that experience can bring. I think they had people like JOHN WARNER in mind as the kind of person who would best serve the Nation in the Senate.

Senator WARNER has lived a life of faithful, skillful service to his country. He served in World War II, enlisting as a 17-year-old. He interrupted his law school studies to also serve in Korea. He served as an assistant U.S. attorney. And for 5 years he served in the Secretariat of the Navy, leading the department from 1972 to 1974. That seems like a full career in itself, but it was just a prologue to five terms in the Senate.

Over three decades, JOHN WARNER has worked with great energy, skill, and wisdom to protect the national security of the United States. The Department of Defense is a massive organization with a budget that staggers the imagination. But Senator WARNER has devoted himself to mastering the details of the DOD and been a relentless advocate for its modernization and continuous improvement in effectiveness. Throughout his career, he has demonstrated tremendous caring for the millions of men and women who have worn the country's uniform and been their best friend on Capitol Hill.

Senator WARNER has been a counselor and mentor to me in my first 6 years here, and on behalf of the people I represent in Minnesota I thank him for his counsel to me on how to do this job right. He taught me that just as the human body has its bones and vital organs under the skin and out of sight, the most important work of the Senate takes place away from the TV lights and the press conferences.

The day-to-day work of achieving compromise on hundreds and hundreds of issues that come before us is where the real difference can be made, and JOHN WARNER excelled at that work.

Another Virginian, George Washington, said during the darkest days of the American Revolution that, ''spirit and perseverance have done wonders in all ages.'' Today I honor the spirit of patriotism that has always motivated JOHN WARNER and his perseverance through more than five decades that has made this a stronger and freer nation. May his sterling example of service inspire all of us to serve as nobly and as skillfully as he has done.

PETE DOMENICI

Mr. President, one of the lessons of our history is that America is not great because our leaders were somehow superhuman, but because regular people enjoy extraordinary freedom and use it to pursue ideals beyond their individual concerns. Senator PETE DOMENICI is a wonderful example of this unique brand of American greatness, and as he completes his service to the Senate, I wanted to take a few minutes of the Senate's time to honor him and thank him.

PETE DOMENICI was born to Italian immigrants during the Great Depression in Albuquerque, NM, which was a long cultural distance from Washington, DC. He worked in his family grocery businesses and played for a farm team of the Brooklyn Dodgers, which is enough to endear him to me right there. He became a junior high math teacher and then earned a law degree.

He served in local government for 6 years before his first election to the Senate in 1972. And he has served six full terms in the Senate, which is amazing in and of itself. But what is perhaps most amazing is he has remained the regular person he was brought up to be in Albuquerque and has always applied his commonsense values to the most complex national problems.

Senator DOMENICI has been a stalwart in the difficult job of trying to curb Washington's seemingly endless appetite for more spending. Politics tends to be a business in which all the rewards flow to those who say ''yes.'' But for the sake of the taxpayers and children and grandchildren of ours who cannot yet speak, PETE DOMENICI has been willing to say ''no'' to more spending in order to say ''yes'' to their economic future.

Senator DOMENICI has made a tremendous contribution to the advancement of science by focusing resources and efforts to understand the human brain. For decades from now, a wide spectrum of discoveries and therapies to improve human life will come out of his insistence on progress of the basic science of brain research. It has been a great privilege to work with him closely on his signature issue for the last several years: mental health parity. His tireless commitment to ending insurance discrimination, and willingness to share his own family's struggles, has broken down barriers to treatment and brought hope to millions of Americans living with mental illness.

The legislative process has regrettably become more divisive and partisan over the last decade, but through it all Senator DOMENICI has been a role model of civility, diligence, and goodwill. The Senate was built to achieve consensus on the great issues of the day, and PETE DOMENICI was always focused on what we could get done, rather than on who got the credit.

His ability and willingness to find consensus and produce legislation the American people need has been showcased by his 30 years of service on the Senate Energy and Natural Resources Committee. It is a testament to his abilities that as either chairman or ranking member, PETE DOMENICI has guided three energy bills into law in the last 3 years: the Energy Policy Act of 2005, the Gulf of Mexico Energy Security Act of 2006, and the Energy Independence and Security Act of 2007. PETE found a way to cut through a tough, partisan climate in the Senate to address our dependence on foreign oil.

Personally he has been a connecting point for me with the great compromisers and policy experts of the Senate's recent past. And he has always reminded me that we are not Senators who happen to be people; we are people who happened to be Senators for a

time, and we need to nurture the roots of faith, family, and friendship that give us life.

PETE DOMENICI is a great American success story, and it has been an honor and privilege to serve with him in Washington. His influence on me will continue long after he has left this body.

CHUCK HAGEL

Mr. President, one of the first experiences of a new Senator is to open their drawer in their desk here on the floor and learn a special lesson in Senate history. Traditionally, Senators do what we prevent sixth grade boys from doing: we write our names into our desks. When I first opened my drawer here, I saw decades of people who had occupied this particular desk, and it told me that for however long I am here, I am a temporary occupant. Many came before me and many will come after me. So at each 2-year interval, we say goodbye to many of our colleagues and await the new.

I will be particularly sad to say farewell to the Senior Senator from Nebraska, Mr. HAGEL. He came to this body with an extraordinary career in communications, finance, and international business. He was like a Senator of a bygone era, when Members of this body often were the national experts in their fields.

He made a tremendous contribution to the world of the Senate because he had first-hand knowledge of the dynamism and transformational nature of the global economy all around us. He is the kind of decisionmaker that is shaping the new economy and it has been so valuable to have him among us.

CHUCK HAGEL's whole life expresses his conviction that the world can and should be a better place, and it will not get that way by itself. He is fully engaged in life-long effort to make the world a better place, and he applies every waking hour to the quest. I know that ''retirement'' is not the word for his departure from this place—in a way he is released from this responsibility to pursue his passion of public service in multiple other ways. He is the embodiment of the ideal of a life of self-sacrifice for the betterment of others.

Senator HAGEL brought his analytical, probing mind to the Foreign Relations Committee, where I served with him these last 6 years. His contributions to the committee's work were always thoughtful and challenging—and that was just his Halloween costumes.

CHUCK HAGEL is one of the most energetic people I have ever met. When you look at the list of organizations he supports with this ideas and his leadership, it looks like the combined resume of five people. He works with veterans organizations, antipoverty organizations, international cooperation organizations and the list goes on and on. He has been honored by dozens of organizations for excellence in public service.

For some reason, Nebraska has a habit of sending independent-minded members to this body, and they play a key role in our deliberation. Perhaps because Nebraska is kind of plains State, kind of a Midwestern State, kind of a Western State, and in that way unique, Nebraskans have contributed a great deal of independence to our deliberations, which is so valuable in the Senate's search for consensus.

We in Minnesota are glad to be a part of CHUCK HAGEL's life. Since some of his education occurred at the Brown Institute in Minneapolis, we too claim a piece of him.

We thank the people of Nebraska for sharing him with the Nation as a Member of the Senate. We will certainly miss his razor sharp analytical mind and his wonderfully engaging personality. I am personally grateful to him for the way he introduced me to the habits and ways of the Senate and for helping me understand how to do my best for the people of my State.

In the history of this Nation, different kinds of men and women have given some of their talents and vision to this place for the benefit of the whole Nation. We thank Senator HAGEL for his willingness to serve and for the way he made the most of every moment of his time here in the Senate.

WAYNE ALLARD

Mr. President, with the conclusion of our business for the year comes the moment when we must say farewell to Members who have chosen to leave the Senate, and I want to take this opportunity to honor my friend and colleague from Colorado, Senator WAYNE ALLARD. He is leaving as a matter of principle, believing in the value of ''citizen legislators,'' which he is fulfilling by ending his service here after two terms. I greatly respect him for that choice.

One of the wonderful things about the Senate is the distinctive experiences that bring people to this place. Senator ALLARD's professional training is as a veterinarian, a skill that is of great importance to a State with as much livestock agriculture as Colorado. He began a successful veterinary practice from nothing in Loveland, in the eastern foothills of the Rocky Mountains. That experience has given him unique insight into the needs and concerns of America's millions of small businesses, where the job growth and creative energy of our economy comes from.

WAYNE ALLARD brought many values with him to the Senate, but perhaps the most important is the need to use more care in the way we spend the people's money. He personally practiced that value by returning $42.2 million of his office allotment to the U.S. Treasury. As a member of the committees which handle appropriations, the Federal budget and banking policy, he has been a constant advocate for lower spending, improved efficiency in government programs, and steady progress toward a balanced budget.

Our former colleague, Howard Baker, once said that you could trace the decline of the legislative branch of Government to the installation of air-conditioning in the Capitol. What he meant by that was that previous generations of Senators were driven from Washington by the tropical summers, and that gave them an opportunity to reconnect with their roots so they could return refreshed and reoriented toward the people's wishes. Senator ALLARD needed no such climatic encouragement: he couldn't wait to get back to Colorado where he would spend countless hours listening to and learning from the folks who sent him here.

I will truly miss his example and his friendship here in the Senate. The Senate is a distinctive and valuable institution generation after generation because the senior Members pass on their lessons to the junior Members. Senator ALLARD taught me a lot about how to be a good Senator by working hard, sticking to your principles, and listening more than talking.

Former Senator Harry S. Truman said that if you want a friend in Washington, buy a dog. But Senator ALLARD has been my good friend, encouraging me when I was discouraged and keeping me humble when I was flying too high for my own good.

I think the ideas of fiscal conservatism and frugality that he based his life and service on are returning to the forefront here in Washington as he departs. As we move toward a balanced budget, I think he can take pride in fighting for it for 12 years in Washington and pointing us in the right direction.

WAYNE ALLARD is a good man who chose to serve in the Senate for a specific amount of time and he has done that. I honor him today as a person of character and wisdom, and I thank him for making me a better Senator and for making the Senate a place that better reflects the values of regular people.

LARRY CRAIG

Mr. WARNER. Mr. President, the State of Idaho occupies a very special place in my life's career. In the summer of 1943, during the height of World War II, I had the great fortune to find a job with the U.S. Forest Service. I was sent to Idaho, along with many other young men, to work in the forests. We performed a wide range of duties, from clearing trails to fighting forest fires.

After brief service in the Navy in the final year of World War II, I attended college and at my first opportunity, in the summer of 1947, I returned to Idaho to once again work with the Forest Service, helping preserve one of nature's greatest gifts—the mighty trees of the West.

Those two summers of hard work trained and prepared me to always respect those who labor with their hands.

Throughout my career in the Senate, I have enjoyed working with senators from Idaho, and sharing common interests, such as forestry and preserving the great outdoors, with those who represent that State. Senator LARRY CRAIG is one of those.

Through the years, I have found his perspective on controversial issues, such as forests, mining and agriculture especially the potato and sugar-beet issues to be very valuable and informative.

LARRY CRAIG and I also share an interest in the fine arts. My hobby is painting in oil; his is drawing with meticulous design. His creations are extraordinary in their detail. I hope, as he leaves the Senate, he will have opportunities to further utilize these exceptional talents to create pieces of art to be enjoyed by others.

I wish him and his family well.

VETERANS' MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT

Mr. AKAKA. Mr. President, I rise today to urge swift Senate passage of S. 2162, the proposed Veterans' Mental Health and Other Care Improvements Act of 2008, as amended. This is an omnibus health care measure, which responds to the burgeoning mental health concerns of veterans and their families. The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans' Affairs. I thank Chairman FILNER and Ranking Member BUYER of the House committee for their cooperation in this endeavor. I also thank my good friend, the committee's ranking member, Senator BURR, for his great energy and cooperation as we have developed this bill.

This compromise agreement is also focused on addressing homelessness among veterans, increasing VA's efforts on pain management, promoting excellence in VA's efforts relating to epilepsy, and improving access to care in rural areas. It also includes a series of necessary programmatic authorization extensions as well as major medical facility construction authorizations.

The framework for this bill is my legislation, S. 2162 as originally introduced. This bill represents a bipartisan approach and was cosponsored early on by the ranking member, Senator BURR, along with Senators MIKULSKI, ENSIGN, ROCKEFELLER, SMITH, BINGAMAN, DOLE, CLINTON, COLLINS, SESSIONS, and STEVENS.

Mr. President, I want to share how we began this process. The legislation did not stem from a lobbyist or an interest group. It came about because of one letter—a letter to me from the parents of Justin Bailey—Mary Kaye and Tony Bailey.

Justin Bailey was a war veteran who survived Iraq only to die while receiving care from VA for PTSD and substance use disorder. A week after his death last year, Justin's parents were naturally heartbroken by the death of their only son, but even more than that, they were concerned that other veterans might share his fate if VA mental health care did not improve.

In their own words, they asked, ''Everyone talks about the costs of sending troops to Iraq—what about the cost of caring for their injuries, both physical and psychological, when they return?''

From this first letter, the Committee on Veterans' Affairs held various hearings on the mental health needs of veterans. The media carried so many stories of veterans who were suffering, and various studies showed how prevalent mental health difficulties are in those who return from duty in Iraq and Afghanistan.

We worked with experts in the mental health field and others who were advocating for veterans, including those at the Disabled American Veterans, to craft a bill that responded to the problem. This legislation responds to the concerns of the Baileys and many others who have come to the committee to tell their stories, and does so with the clear understanding that veterans care is a cost of war. If we neglect to pay these costs when the service members first return from deployment, we as a nation will suffer incalculable human costs that can never be repaid.

Provisions included in this compromise agreement are drawn from various bills which have all been reported favorably by the Senate Committee on Veterans' Affairs, including S. 1233 as ordered reported on August 29, 2007; S. 2004, S. 2142, S. 2160, S. 2162, as ordered reported on November 14, 2007; and S. 2969, as ordered reported on June 26, 2008.

I will briefly outline some of the key provisions in the compromise agreement.

This legislation would make comprehensive changes to VA mental health treatment and research. Most notably, it would ensure a minimum level of substance use disorder care for veterans who need such care. It would also require VA to improve treatment of veterans with PTSD co-occurring with substance use disorders. Additionally, in order to determine if VA's residential mental health facilities are appropriately staffed, this bill would mandate a review of such facilities. It would also create a vital research program on PTSD and substance use disorders, in cooperation with, and building on the work of, the National Center for PTSD.

It is not uncommon for veterans with physical and mental wounds to turn to drugs and alcohol to ease their pain. Many experts believe that stress is the primary cause of drug abuse and of relapse to drug abuse. Sixty to eighty percent of Vietnam veterans who have sought PTSD treatment have alcohol use disorders. VA has long dealt with substance abuse issues, but there is much more that can be done. This legislation would provide a number of solutions to enhance substance use disorder treatment, including an innovative approach to substance use treatment via Internet-based programs.

Furthermore, the inclusion of families in mental health and substance use disorder treatment is critical. To that end, the compromise agreement would fully authorize VA to provide mental health services to families of veterans and would set up a program to proactively help veterans and their families to transition from deployment to civilian life.

Beneficiary travel reimbursements are essential to improving access to VA health care for veterans in rural areas. This legislation would increase the beneficiary travel mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile and permanently set the deductible to the 2007 amount of $3 each way. Senator TESTER has been a leader on this issue, and I thank him for that.

Too often, veterans suffer from lack of care not only because they reside in rural areas but also because they are unaware of the services available to them. This legislation would enhance outreach and accessibility by creating a pilot program on the use of peers to help reach out to veterans. It would also encourage improved accessibility for mental health care in rural areas through coordination with community-based resources. Mental Health America and Iraq and Afghanistan Veterans of America brought to the committee the concept of using peers to help veterans, and I think it is a good one.

It is crucial that all veterans have access to emergency care. This bill would make corrections to the procedure used by VA to reimburse community hospitals for emergency care provided to eligible veterans to ensure that both veterans and community hospitals are not unduly burdened by emergency care costs. This provision is based on legislation introduced by Senator BROWN in response to a situation in his own State of Ohio, where community hospitals were not being reimbursed timely from VA.

The compromise agreement also addresses homelessness among veterans, a far too prevalent problem. The bill would create targeted programs to provide assistance for low-income veteran families. It would also increase the total amount that VA is authorized to spend on its successful Grant and Per Diem Program, which assists community-based entities that serve homeless veterans. Finally, the bill would expand a program to help formerly incarcerated veterans reintegrate into life and ensure facilities are up to par for women veterans who are homeless.

Epilepsy is often associated with traumatic brain injury. This legislation would establish six VA epilepsy centers of excellence, focused on research, education, and clinical care activities in the diagnosis and treatment of epilepsy. These centers would restore VA to the position of leadership it once held in epilepsy research and treatment. Senators MURRAY and CRAIG worked together to bring this critical legislation to the forefront. I also add that the Epilepsy Foundation of America and the American Academy of Neurology were very helpful to the committee on this issue.

The medical community has made impressive advances in pain care and management, but VA has lagged behind in implementing a standardized policy. S. 2162 would establish a pain care program at all VA inpatient facilities, to prevent long-term chronic pain disability. It also provides for education for VA's health care workers on pain assessment and treatment and would require VA to expand research on pain care. We relied on the Pain Care Forum and their many organizations devoted to the relief of pain, and I thank them for their efforts on behalf of veterans.

Finally, S. 2162 contains extensions of authorities for VA to provide some essential services to veterans, such as both institutional and non-institutional long-term care and caregiver assistance. It would also authorize a series of major medical facility construction projects and clinic leases in California, Texas, Puerto Rico, Florida, Louisiana, Colorado, Nevada, Pennsylvania, Wisconsin, South Carolina, Ohio, Arizona, Georgia, and Illinois.

Mr. President, before I close, I recognize and thank the individuals involved in putting together this comprehensive measure. Specifically, I thank Cathy Wiblemo and Dolores Dunn from the House committee and Jon Towers from the minority on the Senate committee. I also thank my own staff who assisted me in forging this bill. Kim Lipsky and Alex Sardegna heard the needs of veterans, sought creative solutions to some very complex problems, and worked tirelessly to make this bill a reality.

In closing, I thank Mary Kaye and Tony Bailey, who set aside their own grief about Justin and fought for better mental health care for all veterans. We all owe the Baileys a debt of gratitude for so many reasons.

I urge all of my colleagues to support swift passage of S. 2162, as amended. It would bring relief, support, and needed services to so many veterans and their families across the country.

I ask unanimous consent to have the Joint Explanatory Statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR S. 2162, VETERANS' MENTAL HEALTH AND OTHER CARE IMPROVEMENTS ACT OF 2008

The ''Veterans' Mental Health and Other Care Improvements Act of 2008'' reflects a compromise agreement that the Senate and House of Representatives' Committees on Veterans' Affairs reached on certain provisions of a number of bills considered by the House and Senate during the 110th Congress, including: S. 2162, 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, passed by the Senate on June 3, 2008 [hereinafter, ''Senate Bill'']; H.R. 5554, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes, passed by the House on May 20, 2008 [hereinafter, ''House Bill'']; S. 1233, to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes, placed on the Senate calendar on August 29, 2007.

H.R. 1527, to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, passed by the House on September 10, 2008; H.R. 2623, to prohibit the collection of copayments for all hospice care furnished by the Department of Veterans Affairs, passed by the House on July 30, 2007; H.R. 2818, to provide for the establishment of epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, passed by the House on June 24, 2008; H.R. 2874, to make certain improvements in the provision of health care to veterans, and for other purposes, passed by the House on July 30, 2007; S. 2969, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes, placed on the Senate calendar on September 18, 2008.

H.R. 3819, to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes, passed by the House on May 21, 2008; H.R. 4264, to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center,'' passed by the House on June 26, 2008; H.R. 5729, to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes, passed by the House on May 20, 2008; H.R. 6445, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes, passed by the House on July 30, 2008; H.R. 6832, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes, passed by the House on September 11, 2008; S. 2969, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals and for other purposes, which was placed on the Senate legislative calendar on September 18, 2008.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of the compromise bill, S. 2162 (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—SUBSTANCE USE DISORDERS AND MENTAL HEALTH CARE

Tribute to Justin Bailey (sec. 101)

The Senate bill contained a provision (sec. 306) to specify that this title is enacted in tribute to Justin Bailey, who, after returning to the United States from service as member of the Armed Forces in Operation Iraqi Freedom, died in a domiciliary facility of the Department of Veterans Affairs while receiving care for post-traumatic stress disorder and a substance use disorder.

Section 6 of the House bill contained the identical provision.

The Compromise Agreement contains this provision.

Findings on substance use disorders and mental health (sec. 102)

The Senate bill contained a provision (sec. 301) that would express the sense of the Congress that:

(1) More than 1,500,000 members of the Armed Forces have been deployed in Operation Iraqi Freedom and Operation Enduring Freedom. The 2005 Department of Defense Survey of Health Related Behaviors Among Active Duty Personnel reports that 23 percent of members of the Armed Forces on active duty acknowledge a significant problem with alcohol use, with similar rates of acknowledged problems with alcohol use among members of the National Guard.

(2) The effects of substance abuse are wide ranging, including significantly increased risk of suicide, exacerbation of mental and physical health disorders, breakdown of family support, and increased risk of unemployment and homelessness.

(3) While veterans suffering from mental health conditions, chronic physical illness, and polytrauma may be at increased risk for development of a substance use disorder, treatment for these veterans is complicated by the need to address adequately the physical and mental symptoms associated with these conditions through appropriate medical intervention.

(4) While the Veterans Health Administration has dramatically increased health services for veterans from 1996 through 2006, the number of veterans receiving specialized substance abuse treatment services decreased 18 percent during that time. No comparable decrease in the national rate of substance abuse has been observed during that time.

(5) While some facilities of the Veterans Health Administration provide exemplary substance use disorder treatment services, the availability of such treatment services throughout the health care system of the Veterans Health Administration is inconsistent.

(6) According to the Government Accountability Office, the Department of Veterans Affairs significantly reduced its substance use disorder treatment and rehabilitation services between 1996 and 2006, and has made little progress since in restoring these services to their pre–1996 levels.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision but modifies finding (6) to include the year of the Government Accountability report and cites the National Mental Health Program Monitoring System report.

Expansion of substance use disorder treatment services provided by the Department of Veterans Affairs (sec. 103)

The Senate bill contained a provision (sec. 302) that would require that the Secretary of Veterans Affairs ensure the provision of services and treatment to each veteran enrolled in the health care system of the Department who is in need of services and treatments for a substance use disorder, and the bill included a specific list of services. The Senate bill would also authorize that the services and treatments may be provided to a veteran: (1) at Department of Veterans Affairs medical centers or clinics; (2) by referral to other facilities of the Department that are accessible to such veteran; or (3) by contract or fee-for-service payments with community-based organizations for the provision of such services and treatments.

The House bill contained a similar provision (sec. 2) that would require the Secretary to provide a full continuum of care for substance use disorders to veterans in need of such care and included a specific list of services, including three services not included in

the Senate bill: marital and family counseling, screening for substance use disorders, and coordination with groups providing peer to peer counseling. The House bill (sec. 3) would also require the Secretary to ensure that the amounts made available for care, treatment, and services are allocated evenly throughout the system, including an annual reporting requirement.

The Compromise Agreement includes the listing of substance use disorder services included in both the Senate and House bills, and follows the Senate bill with respect to the locations of where services would be provided. The Compromise Agreement follows the House bill with respect to ensuring the equitable distribution of resources for substance abuse services but does not include the annual reporting requirement.

Care for veterans with mental health and substance use disorders (sec. 104)

The Senate bill contained a provision (sec. 303) that would ensure that if the Secretary of Veterans Affairs provides a veteran inpatient or outpatient care for a substance use disorder and a comorbid mental health disorder, that the treatment for such disorders be provided concurrently: (1) through a service provided by a clinician or health professional who has training and expertise in treatment of substance use disorders and mental health disorders; (2) by separate substance use disorder and mental health disorder treatment services when there is appropriate coordination, collaboration, and care management between such treatment services; or (3) by a team of clinicians with appropriate expertise.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Pilot program for Internet-based substance use disorder treatment for veterans of Operation Iraqi Freedom and Operation Enduring Freedom (sec. 105)

The House bill contained a provision (sec. 4) that would express the sense of the Congress that:

(1) Stigma associated with seeking treatment for mental health disorders has been demonstrated to prevent some veterans from seeking such treatment at a medical facility operated by the Department of Defense or the Department of Veterans Affairs.

(2) There is a significant incidence among veterans of post-deployment mental health problems, especially among members of a reserve component who return as veterans to civilian life.

(3) Computer-based self-guided training has been demonstrated to be an effective strategy for supplementing the care of psychological conditions.

(4) Younger veterans, especially those who served in Operation Enduring Freedom or Operation Iraqi Freedom, are comfortable with and proficient at computer-based technology.

(5) Veterans living in rural areas find access to treatment for substance use disorder limited.

(6) Self-assessment and treatment options for substance use disorders through an Internet website may reduce stigma and provides additional access for individuals seeking care and treatment for such disorders.

This provision would also require the Secretary of Veterans Affairs to carry out a pilot program to test the feasibility and advisability of providing veterans who seek treatment for substance use disorders access to a computer-based self-assessment, education, and specified treatment program through a secure Internet website operated by the Secretary.

The Senate bill contained no similar provision.

The Compromise Agreement contains the House provision.

Report on residential mental health care facilities of the Veterans Health Administration (sec. 106)

The Senate bill contained a provision (sec. 305) that would require the Secretary of Veterans Affairs, acting through the Office of Mental Health Services of the Department of Veterans Affairs, not later than six months after the date of the enactment of this Act, conduct a review of all residential mental health care facilities, including domiciliary facilities, of the Veterans Health Administration; and not later than two years after the date of the completion of the first review conduct a follow-up review of such facilities to evaluate any improvements made or problems remaining since the first review was completed. Not later than 90 days after the completion of the first review, the Secretary would be required to submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such review.

The House bill (sec. 5) contained a similar provision, except there was no provision for a two-year follow-up review, and the six month review would be carried out by the Office of the Medical Inspector.

The Compromise Agreement includes the Senate provision which specifies the two-year follow-up review, but would have the Inspector General carry out the reviews.

Pilot program on peer outreach and support for veterans and use of community mental health centers and Indian Health Service facilities (sec. 107)

The Senate bill contained a provision (sec. 401) that would require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of providing the following to veterans of OIF/OEF in at least two Veterans Integrated Service Networks: (1) peer outreach services; (2) peer support services provided by licensed providers of peer support services or veterans who have personal experience with mental illness; (3) readjustment counseling services; and other mental health services. Services would be provided through community mental health centers or other entities under contracts or other agreements and through the Indian Health Service pursuant to a memorandum of understanding entered into by the Secretary of Veterans Affairs and the Secretary of Health and Human Services.

Section 6 of H.R. 2874 required the Secretary to carry out a program to provide peer outreach services, peer support services, and readjustment and mental health services to covered veterans. This provision was not a pilot program and did not provide for the means to collaborate with the Indian Health Service.

The Compromise Agreement contains the Senate provision with an amendment that would authorize at least three pilot sites.

TITLE II—MENTAL HEALTH RESEARCH

Research program on comorbid post-traumatic stress disorder and substance use disorders (sec. 201)

The Senate bill contained a provision (sec. 501) that would require the Secretary of Veterans Affairs to carry out a program of research into comorbid post-traumatic stress disorder (PTSD) and substance use disorder. This research program shall be carried out by the National Center for Posttraumatic Stress Disorder. In carrying out the program, the Center shall: (1) develop protocols and goals with respect to research under the program; and (2) coordinate research, data collection, and data dissemination under the program.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Extension of authorization for Special Committee on Post-Traumatic Stress Disorder (sec. 202)

The Senate bill contained a provision (sec. 502) that would modify section 110(e)(2) of the Veterans' Health Care Act of 1984, P.L. 98–528, to extend the reporting requirement for the Special Committee on Post-Traumatic Stress Disorder. Currently, the reporting requirement is set to expire in 2008; this provision would extend it through 2012.

Section 209 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

TITLE III—ASSISTANCE FOR FAMILIES OF VETERANS

Clarification of authority of Secretary of Veterans Affairs to provide mental health services to families of veterans (sec. 301)

The Senate bill contained a provision (sec. 601) that would amend section 1701(5)(B) of title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to provide mental health services to families of veterans.

Section 3 of H.R. 6445 contained a provision that would modify section 1782(b) of title 38 so as to eliminate the requirement that family support services be initiated during the veteran's hospitalization and deemed essential to permit the veteran's discharge.

The Compromise Agreement follows the House bill with respect to the provision eliminating the need for services to be initiated during a veteran's hospitalization and essential to the veteran's discharge, but follows the Senate bill with respect to the provision to clarify the authority of the Secretary of Veterans Affairs to provide mental health services to families.

Pilot program on provision of readjustment and transition assistance to veterans and their families in cooperation with Vet Centers (sec. 302)

The Senate bill contained a provision (sec. 402) that would establish a pilot program to assess the feasibility and advisability of providing additional readjustment and transition assistance to veterans and their families in cooperation with Readjustment Counseling Centers. The pilot would be similar to family assistance programs previously conducted at ten Army facilities around the country.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision with an amendment to begin the pilot program no later than 180 days after the enactment of the Act.

TITLE IV—HEALTH CARE MATTERS

Veterans beneficiary travel program (sec. 401)

The Senate bill contained a provision (sec. 101) that would direct the Secretary to reimburse qualifying veterans at the rate authorized for Government employees under section 5707(b) of title 5. The Senate provision would also strike a provision that allows the Secretary to raise or lower the deductible for reimbursements in proportion to a change in the mileage rate. Finally, the Senate provision would reinstate the amount of the deductible for the beneficiary travel reimbursement program to the amount in effect prior to the Secretary's February 1, 2008, decision on beneficiary travel.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Mandatory reimbursement of veterans receiving emergency treatment in non-department of veterans affairs facilities until transfer to department facilities (sec. 402)

The Senate bill contained a provision that would amend section 1725 of title 38 in subsections (a)(1) and (f)(1). Subsection (a)(1) would be amended by replacing ''may reimburse'' with ''shall reimburse.'' This change would make reimbursement for emergency care received at non-VA facilities mandatory for eligible veterans, rather than at the discretion of the Secretary. Subsection (f)(1) would be amended to provide greater specificity regarding the termination of VA's obligation to reimburse. The Senate bill would also amend section 1728 of title 38 so as to make that section, which relates to reimbursement for the emergency treatment of service-connected conditions, consistent with section 1725, as amended. Thus, reimbursement would also be made mandatory under Section 1728. The existing criteria, defining veteran eligibility for reimbursement for emergency care services, would be carried over in the revised statutory language. In addition, the Senate bill would further amend section 1728 so as to strike the phrase ''care and services'' in current subsection (b) of section 1728, and replace that phrase with ''emergency treatment.'' This proposed change is designed to promote consistency between sections 1725 and 1728.

H.R. 3819 contained similar provisions.

The Compromise Agreement contains these provisions.

Pilot program of enhanced contract care authority for health care needs of veterans in highly rural areas (sec. 403)

H.R. 1527 (sec. 2) would require the Secretary to conduct a pilot program which permits highly rural veterans who are enrolled in the system of patient enrollment established under section 1705(a) of title 38, and who reside in Veterans Integrated Service Networks (VISNs) 1, 15, 18, and 19, to elect to receive covered health services for which such veterans are eligible, through a non-Department health care provider.

The Senate bill contained no similar provision.

The Compromise Agreement follows the House bill, with an amendment that specifies that the pilot program will be carried out in 5 VISNs, four of which shall include at least three highly rural counties (as determined by the Secretary based upon the most recent census data), and one of which shall include one highly rural county. All VISNs selected must include an area within the borders of at least four states, and not be already participating in Project HERO. Eligibility for participation in the pilot program would be limited to those veterans already enrolled in the VA health care system at the time of commencement of the program, as well as OIF/OEF veterans who are eligible for VA health care under section 1710(e)(3)(C) of title 38.

Epilepsy centers of excellence (sec. 404)

The Senate bill contained a provision (sec. 103) that would require that the Secretary, upon the recommendation of the Under Secretary for Health, to designate not less than six Department health care facilities as locations for epilepsy centers of excellence.

H.R. 2818 (sec. 2) would require the Secretary to designate an epilepsy center of excellence at each of the 5 centers designated under section 7327 of title 38 (Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries).

The Compromise Agreement specifies that Secretary shall designate at least four but not more than six Department health care facilities as locations for epilepsy centers of excellence. Not less than two of these centers shall be collocated with centers designated under 7327 of title 38.

Establishment of qualifications for peer specialist appointees (sec. 405)

The Senate bill contained a provision (sec. 104) that would amend section 7402(b) of title 38 so as to define qualifications for peer specialist positions employed by the Veterans Health Administration. Specifically, in order to be eligible to be appointed to a peer specialist position, a person must be a veteran who has recovered or is recovering from a mental health condition; and be certified by a not-for-profit entity engaged in peer specialist training by having met such criteria as the Secretary shall establish for a peer specialist position; or a State by having satisfied relevant State requirements for a peer specialist position. The Senate bill would also amend section 7402 of title 38 so as to add a new subsection providing authority for the Secretary to enter into contracts with not-for-profit entities to provide peer specialist training to veterans and certification for veterans.

The House bill contained no similar provision.

The Compromise Agreement contains the Senate provision.

Establishment of consolidated patient accounting centers (sec. 406)

Section 5 of H.R. 6445 contained a provision that would amend chapter 17 of title 38 to insert a new section mandating that not later than 5 years after the date of enactment of this bill, the Secretary of Veterans Affairs shall establish not more than seven consolidated patient accounting centers for conducting industry-modeled regionalized billing and collection activities of the Department.

The Senate bill contained no comparable provision.

The Compromise Agreement contains the House provision.

Repeal of limitation on authority to conduct widespread HIV testing program (sec. 407)

Section 217 of S. 2969 would repeal section 124 of Public Law 100–322, which permits VA to test a patient for HIV infection only if the veteran receives pre-test counseling and provides written informed consent for such testing. Eliminating this section from the law would bring VA's statutory HIV testing requirements in line with current guidelines issued by the Centers of Disease Control and Prevention.

Section 6 of H.R. 6445 contained an identical provision.

The Compromise Agreement contains the provision.

Provision of comprehensive health care by Secretary of Veterans Affairs to children of Vietnam veterans born with spina bifida (sec. 408)

H.R. 5729 would amend section 1803(a) of title 38 so as to expand the existing VA Spina Bifida Health Care Program and provide a comprehensive health benefit to beneficiaries.

The Senate bill contained no comparable provision.

The Compromise Agreement contains the House provision.

Exemption from copayment requirement for veterans receiving hospice care (sec. 409)

Section 309 of S. 1233 would amend section 1710 of title 38 so as to exempt hospice care provided in all settings from the copayment requirement for VA long-term care. Under current law, only hospice care provided in a VA nursing home is exempted from copayment.

H.R. 2623 contained a similar provision.

The Compromise Agreement contains the provision.

TITLE V—PAIN CARE

Comprehensive policy on pain management (sec. 501)

The Senate bill contained a provision (sec. 201) that would require the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for VA health care services no later than October 1, 2008.

The policy would be required to cover the following: the Department-wide management of acute and chronic pain experienced by veterans; the standard of care for pain management to be used throughout the Department; the consistent application of pain assessments to be used throughout the Department; the assurance of prompt and appropriate pain care treatment and management by the Department, system-wide, when medically necessary; Department programs of research related to acute and chronic pain suffered by veterans, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare; Department programs of pain care education and training for health care personnel of the Department; and Department programs of patient education for veterans suffering from acute or chronic pain and their families.

Section 4 of H.R. 6445 contained identical provisions.

The Compromise Agreement contains the provisions, but would require the Secretary of Veterans Affairs to develop and implement a comprehensive policy on pain management no later than October 1, 2009.

TITLE VI—HOMELESS VETERANS MATTERS

Increase in authorization of appropriations for the Homeless Grant and Per Diem Program (sec. 601)

Section 506 of S. 2969 would amend section 2013 of title 38, to increase the authorization of appropriations for the Homeless Grant and Per Diem Program from $130 million to $200 million.

The House bill contained no comparable provision.

The Compromise Agreement contains the Senate provision but changes the authorization amount to $150 million.

Expansion and extension of authority for program of referral and counseling services for at-risk veterans transitioning from certain institutions (sec. 602)

Section 403 of S. 1233 would amend section 2023 of title 38 so as to extend and expand the authority for a program to aid incarcerated veterans in their transition back to civilian life. The program would be extended until September 30, 2011, and would be expanded from six to twelve sites.

Section 7 of H.R. 2874 contained identical provisions.

The Compromise Agreement contains the provision, but would extend the program until September 30, 2012.

Permanent authority for domiciliary services for homeless veterans and enhancement of capacity of domiciliary care programs for female veterans (sec. 603)

Section 405 of S. 1233 would amend section 2043 of title 38 to make permanent an existing authority to expand domiciliary care for homeless women veterans.

Section 8 of H.R. 2874 contained identical provisions.

The Compromise Agreement contains the provisions.

Financial assistance for supportive services for very-low income veteran families in permanent housing (sec. 604)

Section 406 of S. 1233 would amend title 38 so as to add a new section 2044, relating to

supportive services for very low-income veterans and their families occupying permanent housing. Proposed new section 2044 would direct VA to provide grants to eligible entities to provide and coordinate the provision of a comprehensive range of supportive services for very low-income veteran families occupying permanent housing, including those transitioning from homelessness to such housing.

Those families may be occupying permanent housing, moving into permanent housing within 90 days, or moving from one permanent residence to another to better suit their needs. Entities eligible to receive grants under this provision are public or private non-profit organizations which have demonstrated the capacity and experience necessary to deliver the services outlined in the proposed new section. Under the provisions of the proposed new section 2044, grants would be provided for a wide range of services, so as to give families a broad set of tools to maintain a permanent residence. To this end, providers could receive grants to furnish outreach, case management, assistance in obtaining and coordinating VA benefits, and assistance in obtaining and coordinating other public benefits provided by federal, state, or local agencies or organizations.

Section 9 of H.R. 2874 contained similar provisions but provided a more expansive list of supportive services, and authorized for appropriations a different funding level.

The Compromise Agreement contains the Senate provision.

TITLE VII—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Authorization for fiscal year 2009 major medical facility projects (sec. 701)

Section 701 of S. 2969 would authorize: $54,000,000 to construct a facility to replace a seismically unsafe acute psychiatric inpatient building in Palo Alto, California; $131,800,000 for an outpatient clinic in Lee County, Florida; $225,900,000 to make seismic corrections at a VA Medical Center in San Juan, Puerto Rico; and $66,000,000 to construct a state-of-the-art polytrauma health care and rehabilitation center in San Antonio, Texas.

Section 101 of H.R. 6832 contained the same provisions, except for Lee County, Florida. Instead, H.R. 6832 authorizes the Lee County project under a different section.

The Compromise Agreement contains the House provision.

Modification of authorization amounts for certain major medical facility construction projects previously authorized (sec. 702)

Section 702 of S. 2969 would modify previous authorizations by providing $625,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center at New Orleans, Louisiana.

Section 102 of H.R. 6832 contained the same provisions and the following additional provisions: $769,200,000 for the replacement of the VA Medical Center at Denver, Colorado; $131,800,000 for an outpatient clinic in Lee County, Florida; $136,700,000 to correct patient privacy deficiencies at the VA Medical Center in Gainesville, Florida; $600,400,000 to build a new VA Medical Center in Las Vegas, Nevada; $656,800,000 to build a new medical center in Orlando, Florida; and $295,600,000 to consolidate the campuses at the University Drive and H. John Heinz III Divisions in Pittsburgh, Pennsylvania.

The Compromise Agreement contains the House provision with an amendment to provide $568,000,000 for the replacement of the VA Medical Center at Denver, Colorado.

Authorization of fiscal year 2009 major medical facility leases (sec. 703)

Section 703 of S. 2969 would authorize fiscal year 2009 major medical facility leases as follows: $4,326,000 for an outpatient clinic in Brandon, Florida; $10,300,000 for a community-based outpatient clinic in Colorado Springs, Colorado; $5,826,000 for an outpatient clinic in Eugene, Oregon;. $5,891,000 to expand an outpatient clinic Green Bay, Wisconsin; $3,731,000 for an outpatient clinic in Greenville, South Carolina; $2,212,000 for a community-based outpatient clinic in Mansfield, Ohio; $6,276,000 for a satellite outpatient clinic in Mayaguez, Puerto Rico; $5,106,000 for a community-based outpatient clinic in Southeast Phoenix, Mesa, Arizona; $8,636,000 for interim research space in Palo Alto, California; $3,168,000 to expand a community-based outpatient clinic in Savannah, Georgia; $2,295,000 for a community-based outpatient clinic in Northwest Phoenix, Sun City, Arizona; and $8,652,000 for a primary care annex in Tampa, Florida.

Section 102 of H.R. 6832 included the same provisions, except that it provided $3,995,000 for Colorado Springs.

The Compromise Agreement includes the Senate provisions.

Authorization of appropriations (sec. 704)

Section 704 of S. 2969 would authorize for appropriations: $477,700,000 for the aforementioned list of major medical facility projects authorized for fiscal year 2009. $625,000,000 for the aforementioned list of major medical facility construction projects previously authorized; $66,419,000 for the aforementioned list of major facility leases authorized for fiscal year 2009.

S. 2969 also identified funding sources which may be used to carry out major medical facility projects authorized for fiscal year 2009 and for those projects previously authorized.

Section 105 of H.R. 6832 would authorize for appropriations: $345,900,000 for the aforementioned list of major medical facility projects authorized for fiscal year 2009; $1,694,295,000 for the aforementioned list of major medical facility construction projects previously authorized; $54,475,000 for the aforementioned list of major facility leases authorized for fiscal year 2009.

The Compromise Agreement includes the House provision, with amendments to provide $1,493,495,000 for major facility construction projects previously authorized and $70,019,000 for major facility leases authorized for fiscal year 2009. The Agreement also includes the provision in S. 2969 on allowable funding sources to carry out major medical facility projects.

Increase in threshold for major medical facility leases requiring congressional approval (sec. 705)

Section 705 of S. 2969 would increase the threshold for major medical facility leases requiring Congressional approval from $600,000 to $1,000,000.

H.R. 6832 contained no comparable provision.

The Compromise Agreement contains the Senate provision.

Conveyance of certain non-Federal land by city of Aurora, Colorado, to Secretary of Veterans Affairs for construction of veterans medical facility (sec. 706)

Section 706 of S. 2969 would allow the city of Aurora to donate non-Federal land for use by the Secretary of Veterans Affairs no later than 60 days after the enactment of this section.

H.R. 6832 contained no comparable provision.

The Compromise Agreement contains the Senate provision.

Report on facilities administration (sec. 707)

Section 106 of H.R. 6832 would require the Secretary of Veterans Affairs to submit a report on facilities administration no later than 60 days after the date of the enactment of this section.

S. 2969 contained no comparable provision.

The Compromise Agreement includes the House provision.

Annual report on outpatient clinics (sec. 708)

Section 107 of H.R. 6832 would require an annual report on outpatient report no later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

S. 2969 contained no comparable provision.

The Compromise Agreement includes the House provision.

Name of Department of Veterans Affairs spinal cord injury center, Tampa, Florida (sec. 709)

H.R. 4264 would name the VA spinal cord injury center in Tampa, Florida, ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center.''

S. 2969 contained no comparable provision.

The Compromise Agreement includes the House provision.

TITLE VIII—EXTENSION OF CERTAIN AUTHORITIES

Repeal of sunset on inclusion of non-institutional extended care services in definition of medical services (sec. 801)

Section 201 of S. 2969 would amend section 1701 of title 38 to repeal the December 31, 2008, sunset on the inclusion of non-institutional extended care services in the definition of medical services.

Sec. 201 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of recovery audit authority (sec. 802)

Section 202 of S. 2969 would amend section 1703(d)(4) of title 38 to extend the recovery audit authority for fee-basis contracts and other medical services contracts in non-VA facilities from September 30, 2008, to September 30, 2013.

Sec. 202 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense (sec. 803)

Section 203 of S. 2969 would amend subsection (e)(3) of section 1710 of title 38 to provide permanent authority for the provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.

Section 203 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of expiring collections authorities (sec. 804)

S. 2969 contained no comparable provision.

Section 204 of H.R. 6832 would extend the expiring collections authorities for the following: a) amend section 1710(f)(2)(B) of title 38 to extend health care copayments from September 30, 2008, under current law, to September 30, 2010; and b) amend section 1729 (a)(2)(E) of title 38 to extend the medical care cost recovery from October 1, 2008, to October 1, 2010.

The Compromise Agreement contains the House provision.

Extension of nursing home care (sec. 805)

Section 202 of S. 2969 would amend 1710A(d) of title 38 to provide nursing home care to

veterans with service-connected disability, which expires on December 31, 2008, to December 31, 2013.

Section 205 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Permanent authority to establish research corporations (sec. 806)

Section 607 of S. 2969 would strike section 7368 of title 38 to provide permanent authority to establish research corporations.

Section 207 of H.R. 6832 contained an identical provision.

The Compromise Agreement contains the provision.

Extension of requirement to submit annual report on the committee on care of severely chronically mentally ill veterans (sec. 807)

Section 210 of H.R. 6832 would amend section 7321(d)(2) of title 38 to extend the requirement to submit an annual report on the committee on care of severely chronically mentally ill veterans through 2012.

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

Permanent requirement for biannual report on women's advisory committee (sec. 808)

Section 211 of H.R. 6832 would amend section 542(c)(1) of title 38 to provide for a permanent requirement for a biannual report by the women's advisory committee on the needs of women veterans including compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the VA.

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

Extension of pilot program on improvement of caregiver assistance services (sec. 809)

Section 222 of S. 2969 would extend the pilot program on improvement of caregiver assistance services for a three-year period through fiscal year 2009.

H.R. 6832 contained no comparable provision.

The Compromise Agreement includes the Senate provision.

TITLE IX—OTHER MATTERS

Technical amendments (sec. 901)

Section 303 of H.R. 6832 would provide for technical amendments for the following sections of title 38: 1712A; 2065(b)(3)(C); 4110(c)(1); 7458(b)(2); 8117(a)(1); 1708(d); 7314(f); 7320(j)(2); 7325(i)(2); and 7328(i)(2). It also would provide for technical amendments to the table of sections at the beginning of chapter 36 and chapter 51, as well as amend section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) to replace the phrase ''Medical Care'' with ''Medical Facilities''.

S. 2969 contained no comparable provision.

The Compromise Agreement contains the House provision.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 3023, as amended, the proposed Veterans' Benefits Improvement Act of 2008, as passed by the House of Representatives earlier this week. The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans' Affairs. I thank Chairman FILNER and Ranking Member BUYER of the House committee for their cooperation on this legislation. I also thank my good friend, the committee's ranking member, Senator BURR, for his cooperation as we have developed this bill.

This omnibus veterans' benefits bill will provide much needed support to our Nation's veterans. It contains provisions that are designed to enhance compensation, claims processing, housing, labor and education and insurance benefits for veterans. A full explanation of the Senate and House negotiated agreement can be found in the Joint Explanatory Statement, which I will ask appear in the RECORD at the conclusion of my remarks.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today.

This legislation would result in improved notices being sent to veterans concerning their claims for VA benefits. Following a number of decisions by the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, VA's notification letters to veterans about the status of their claims have become increasingly long, complex, and difficult to understand. These notification letters must be simplified, as veterans, VA, veterans' advocates, and outside review bodies have all recommended. The notices should focus on the specific type of claim presented. They should use plain and ordinary language rather than bureaucratic jargon. Veterans should not be subjected to confusing information as they seek benefits.

To further improve the VA compensation system, this legislation would end the prohibition on judicial review in the U.S. Court of Appeals for the Federal Circuit of matters concerning the VA rating schedule. VA issues regulations which are used to assign ratings to veterans for particular disabilities. Under current law, actions concerning the rating schedule are not subject to judicial review unless a constitutional challenge is presented. This legislation would amend the law to treat actions concerning the rating schedule in the same manner as all other actions concerning VA regulations.

I expect VA to comply with all laws passed by Congress in developing and revising the rating schedule. However, justice to our Nation's veterans requires that actions concerning the rating schedule be subject to the same judicial scrutiny as is available for the review of actions involving other regulations.

VA's Home Loan Guaranty Program may exempt homeowners from having to make a downpayment or secure private mortgage insurance, depending on the size of the loan and the amount of the VA guaranty.

Public Law 108–454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single-family residence, as adjusted for the year involved.

The Economic Stimulus Act of 2008, Public Law 110–185, temporarily reset the maximum limits on home loans that the Federal Housing Administration may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly $730,000, in the highest cost areas, while leaving the then-VA limit of $417,000 in place. On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110–289. That law provided a temporary increase in the maximum guaranty amount for VA loans originated from July 30, 2008 through December 31, 2008, to the same level as provided in the stimulus act.

The compromise agreement would extend the temporary increase in the maximum guaranty amount until December 31, 2011. This would enable more veterans to utilize their VA benefit to purchase more costly homes.

The compromise agreement would also increase the maximum guaranty limit for refinance loans and increase the percentage of an existing loan that VA will refinance under the VA home loan program.

Under current law, the maximum VA home loan guaranty limit for most loans in excess of $144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single-family home. Public Law 110–289 set this value at approximately $182,437 through the end of 2008. This means lenders offering loans of up to $729,750 will receive up to a 25-percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Current law limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means VA will not guarantee a regular refinance loan over $144,000, essentially precluding a veteran from using the VA program to refinance his or her existing FHA or conventional loan in excess of that amount.

VA is also currently precluded from refinancing a loan if the homeowner does not have at least 10 percent equity in his or her home.

The compromise agreement would remove the equity requirement for refinancing from an FHA loan or conventional loan to a VA-guaranteed loan. This would allow more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have 10 percent equity and thus are precluded from refinancing with a VA-guaranteed home loan.

Given the anticipated number of non-VA-guaranteed adjustable rate mortgages that are approaching the reset time when payments are likely to increase, the committee believes that it

is prudent to facilitate veterans refinancing to VA-guaranteed loans. In light of today's housing and home loan crises, additional refinancing options will help some veterans bridge financial gaps and allow them to stay in their homes and escape possible foreclosures. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

This omnibus benefits bill would also make crucial updates to the Uniformed Services Employment and Reemployment Rights Act, which protects service members' rights to return to their prior jobs with the same wages and benefits. The provisions in the committee bill are derived from S. 2471, the proposed USERRA Enforcement Improvement Act of 2007, which Senator KENNEDY and I introduced on December 13, 2007. This legislation would ensure that Federal agencies assist service members in a more effective manner by requiring the Department of Labor to investigate and refer cases in a more timely manner and by requiring reports from the Department of Labor on their compliance with the deadlines.

The omnibus benefits bill includes a provision derived from S. 3000, the proposed Native American Veterans Access Act of 2008, which I introduced on May 8, 2008. This provision is intended improve VA's ability to understand and respond to the needs of Native American veterans. While Native Americans are more likely to serve in uniform than the general population, many of them find cultural and geographical barriers between themselves and the benefits they earned through service. In addition, those returning to traditional homelands, especially reservation communities, frequently come home to dismal job opportunities and starved economies. The proposed bill would require a study to help us understand the employment needs of Native American veterans and how best to address them.

The compromise agreement also includes provisions derived from legislation I introduced on April 25, 2007, S. 1215, which would update the Special Unemployment Study required to be submitted by the Secretary of Labor to the Congress by mandating that it cover veterans of Post 9/11 global operations. It would also require the report to be submitted on an annual, rather than a biennial, basis. By updating this report, Congress will have more data available on more recent groups of veterans—those who served and are serving in the Post-9/11 global operations. This will help with assessments of the needs of current veterans entering the work force and develop appropriate responses.

Before I close, I recognize and thank the individuals involved in putting together this comprehensive measure. Specifically, I thank Kimberly Ross, Brian Lawrence, Juan Lara, and Mike Brinck from the House committee and Amanda Meredith, Mindi Walker, and Kevin Tewes from the minority staff on the Senate Committee. I also thank the majority staff who assisted me in developing the compromise agreement and all the legislation that led up to it. Patrick McGreevy, Mary Ellen McCarthy, Ted Pusey, Babette Polzer, and Dahlia Melendrez have worked throughout the 110th Congress on many of the provisions included in this legislation, and I am pleased that our collective efforts have led to this compromise agreement becoming a reality.

I urge our colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. President, I ask unanimous consent to have the Joint Explanatory Statement, which was developed with our colleagues in the House, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Joint Explanatory Statement on Amendment to Senate Bill, S. 3023, as Amended

S. 3023, as amended, the Veterans' Benefits Improvement Act of 2008, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 110th Congress: H.R. 674; H.R. 3681, as amended; H.R. 3889, as amended; H.R. 4255, as amended; H.R. 5664, as amended; H.R. 5892, as amended; H.R. 6221, as amended; H.R. 6225, as amended, and H.R. 6832 (House Bills); S. 1315, as amended; and S. 3023, as amended (Senate Bills).

H.R. 674 passed the House on July 31, 2008; H.R. 3681, as amended, passed the House on May 20, 2008; H.R. 3889, as amended, passed the House on May 20, 2008; H.R. 4255, as amended, passed the House on July 31, 2008; H.R. 5664, as amended, passed the House on May 20, 2008; H.R. 5892, as amended, passed the House on July 30, 2008; H.R. 6221, as amended, passed the House on July 31, 2008; H.R. 6225, as amended, passed the House on July 31, 2008; H.R. 6832 passed the House on September 11, 2008; S. 1315, as amended, passed the Senate on April 24, 2008, and passed the House, as amended, on September 22, 2008; and S. 3023, as amended, passed the Senate on September 16, 2008.

The Committees have prepared the following explanation of S. 3023, as further amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

Title I—Compensation and Pension Matters

REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS BY THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS

Current Law

Under current law, the Secretary has general authority to issue regulations.

Senate Bill

Section 101 of S. 3023, as amended, would amend subsection (a) of section 5103 of title 38, United States Code, to add a new paragraph that would require the Department of Veterans Affairs (VA) to promulgate regulations specifying the content of notices required by the Veterans Claims Assistance Act (VCAA). The regulations required by S. 3023 would provide that the notice specify for each type of claim for benefits the general information and evidence required to substantiate the claim. The regulations would specify different content of the notices depending on the type of claim concerned, whether it be an original claim, a claim for reopening, or a claim for increase in benefits. The Senate bill would provide authority for additional or alternative content for notice if appropriate to the particular benefit or services sought under the claim. The regulations would also be required to include in the notice the time period within which such information and evidence must be submitted. The provision would be applicable only to notices which would be sent on or after the date the regulations are effective.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 101 of the Compromise Agreement generally follows the Senate language.

The Committees note that the notice required by section 5103 applies to all types of applications for benefits and services. While the Committees recognize that veterans seeking service-connected compensation are most likely to receive VCAA notices, the Compromise Agreement specifically provides that the notice shall provide that the content of notices be appropriate to the type of benefits or services sought. The Committees intend that the Compromise Agreement would require a notice involving a pension claim to have different content than a notice concerning a clothing allowance or a claim for specially adapted housing.

The Committees emphasize that VCAA notices are required only in cases in which additional information or evidence is needed to substantiate the claim. If the information and evidence needed to substantiate the claim is submitted with the application or contained in the claims file, no VCAA notice is required. For example, claims for education, health care, housing, vocational rehabilitation, and burial benefits might contain sufficient information and evidence to substantiate the claim without the necessity of a VCAA notice.

In other respects, the Committees agree that Senate Report 110–148 contains a full explanation of the provision contained in the Compromise Agreement.

JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS

Current Law

Under current law, section 502 of title 38, judicial review of actions involving VA's rating schedule for disabilities is prohibited.

Senate Bill

Section 102 of S. 3023, as amended, would authorize the United States Court of Appeals for the Federal Circuit to review VA actions relating to the adoption or revision of the VA disability rating schedule in the same manner as other comparable actions of the Secretary are reviewed.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 102 of the Compromise Agreement follows the Senate language.

CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES

Current Law

Section 1212 of title 10 stipulates the amount of severance pay available to members of the Armed Forces who separate due to a disability incurred in the line of duty. Section 1646 of the Wounded Warrior Act, title XVI of Public Law 110–181, amended section 1212 to adjust the computation of the amount of such severance pay and to eliminate the requirement that severance pay received by servicemembers for a disability incurred in a combat zone be deducted from VA compensation.

Section 1161 of title 38 stipulates that the deduction of disability severance pay from disability compensation shall be made at a monthly rate not in excess of the rate of compensation to which the individual would be entitled based on the individual's disability rating. Section 1161 makes reference to subsection 1212(c) of title 10. However, Public Law 110–181 did not include a conforming amendment to keep section 1161 consistent with the changes made to section 1212.

Senate Bill

Section 104 of S. 3023, as amended, would make a conforming amendment, so that section 1161 of title 38 will be consistent with section 1212 of title 10. The amendment would take effect on January 28, 2008, as if it had been included in the Wounded Warrior Act. As a result, the amended section 1161 of title 38 would reflect the change to section 1212 of title 10 eliminating the requirement that severance pay for a disability incurred in a combat zone be deducted from disability compensation from VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 103 of the Compromise Agreement follows the Senate language.

REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES

Current Law

There is no applicable provision in current law.

Senate Bill

Section 105 of S. 3023, as amended, would require VA to submit a report to Congress describing the Department's progress in addressing the causes for any unacceptable variances in compensation payments to veterans.

Section 105 would require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives describing the Department's progress in addressing the causes of unacceptable variances in compensation payments to veterans for service-connected disabilities. The report would be due to the Committees not later than one year after the date of enactment of this section.

Section 105 would require the report to include three specific elements: (1) a description of the Veterans Benefits Administration's efforts to coordinate with the Veterans Health Administration (VHA) to improve the quality of disability examinations performed by VHA and contract clinicians, including the use of standardized templates; (2) an assessment of the current personnel requirements at each regional office for each type of claims adjudication position; and (3) a description of the differences, if any, in current patterns of submittal rates for claims from various segments of the veterans population, including veterans from rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and military retirees.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 104 of the Compromise Agreement generally follows the Senate language. The Committees acknowledge that it is unreasonable to expect states to have exactly the same average compensation or percentage of veterans receiving compensation. In determining whether differences are unacceptable, the Committees expect that the Secretary would identify those that do not result from such basis demographic discrepancies.

EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

Public Law 104–275, the Veterans' Benefits Improvements Act of 1996, authorized VA to carry out a pilot program of contract disability examinations at ten VA regional offices using amounts available for payment of compensation and pensions. Public Law 108–183, the Veterans Benefits Act of 2003, provided additional authority to VA, on a time-limited basis, to contract for disability examinations using appropriated funds. This additional authority expires on December 31, 2009.

Senate Bill

Section 604 of S. 3023, as amended, would amend section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183) by striking ''December 31, 2009'' and inserting ''December 31, 2012.'' This would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 105 of the Compromise Agreement follows the Senate language except that the authority extends only until December 31, 2010.

ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER

Current Law

Subsection 1112(b) of title 38 contains two lists of diseases that are presumed to be related to an individual's experience as a prisoner of war. The first presumptive list, in paragraph (2) of section 1112(b), requires no minimum internment period and includes diseases associated with mental trauma or acute physical trauma which could plausibly be caused by even a single day of captivity. The second presumptive list, found under paragraph (3) of section 1112(b), has a 30–day minimum internment requirement.

Senate Bill

Section 601 of S. 1315, as amended, would add osteoporosis in veterans whom the Secretary has previously determined have post-traumatic stress disorder (PTSD), to the list of disabilities presumed to be service-connected in former prisoners of war found under paragraph (3) of section 1112(b) of title 38.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 106 of the Compromise Agreement follows the Senate language.

Title II—Modernization of Department of Veterans Affairs Disability Compensation System

Subtitle A—Benefits Matters

AUTHORITY FOR TEMPORARY DISABILITY RATINGS

Current Law

Under current law, the Secretary has, under the Secretary's general authority, issued regulations providing temporary ratings for veterans with unstabilized medical conditions who are recently discharged from active duty, hospitalized veterans, veterans undergoing convalescent care, and veterans who are discharged from active duty with a mental disorder that develops as the result of a highly stressful event.

House Bill

Section 109 of H.R. 5892, as amended, would have provided VA with authority to issue partial ratings and to act in a more expeditious manner for claims presenting undisputed severe and very severe injuries and in turn provide compensation more quickly where the service-connection link is indisputable. VA currently possesses the ability to issue partial ratings, although this authority is not expressly stated in statute. H.R. 5892, as amended, would expressly grant VA that authority and require VA to issue a partial rating in the instances where a veteran has sustained severe injuries (50 percent or above) and very severe injuries (100 percent) that can be promptly rated, while deferring other conditions that may not be ready to rate. VA and the Department of Defense (DOD) have defined these conditions, and they include limb amputations, paralysis, traumatic brain injury (TBI), severe burns, blindness, deafness, along with other radical injuries.

The House bill also further clarified the language so that VA could rate the indisputable injuries based solely on the Department of Defense medical records, which would be extensive for these categories of injuries.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 211 of the Compromise Agreement would codify the various provisions for temporary ratings contained in current regulations. Specifically, the Committees intend to provide a specific statutory basis for the regulations currently found at sections 4.28, 4.29, 4.30 and 4.129 of title 38, Code of Federal Regulations.

In addition to the authority currently contained in regulations, the Compromise Agreement provides that veterans discharged or released from active duty within 365 days of application who have stabilized medical conditions would be eligible to receive a temporary rating under certain circumstances. In general, veterans with stabilized disabilities would be eligible to receive a temporary rating under conditions which are similar to those applied to veterans with unstabilized conditions when a total rating is not immediately assignable.

The Committees intend that, under this new authority, a veteran who has a stabilized condition, such as a healed amputation, but has one or more severe disabilities for which a total rating is not immediately assignable under the regular provisions of

the rating schedule or on the basis of Individual Unemployability, could qualify for a temporary rating when employment was adversely impacted by such disabilities. The Compromise Agreement would permit such a veteran to be eligible to receive a temporary rating when such veteran has severe disabilities that result in substantially gainful employment not being feasible or advisable or the veteran has unhealed or incompletely healed wounds or injuries that make material impairment of employability likely. The Committees intend that, in considering eligibility for a temporary rating under this section, both stabilized and unstabilized conditions could be considered in determining the impact of such disabilities upon employment.

The rating assigned under these conditions would be as prescribed by the Secretary in regulations. The Committees note that, where current regulations are adequate to address the conditions for temporary ratings, as set forth in this section, the Secretary would not be required to issue new regulations.

SUBSTITUTION UPON DEATH OF CLAIMANT

Current Law

Currently, upon the death of a claimant with a claim or appeal pending adjudication at the time of death, the surviving spouse or other beneficiary is unable to take up the claim where it is in the process and must refile the claim separately as if submitting a new claim. Section 5121 of title 38 allows for survivors, in order of priority, to refile this new claim for accrued benefits.

House Bill

Section 111 of H.R. 5892, as amended, would provide that, in the event of the death of a veteran with a pending disability claim, an eligible dependent as identified under section 5121(a)(2) of title 38 would be authorized to substitute for the deceased claimant rather than being forced to re-file and restart the claim or appeal. This provision would also allow an eligible survivor to submit additional evidence for up to one year after the death of a veteran. This provision further stipulates that only one person may be treated as the claimant under this section. Additionally, if the person who would be eligible to be a claimant under this section certifies to the Secretary that he or she does not want to be treated as the claimant for such purposes, he or she may designate the person who could then be entitled to receive the benefits under this section. The effective date of this section would apply only to claims of veterans who die on or after the date of enactment.

Senate Bill

The Senate bill contains no comparable provisions.

Compromise Agreement

Section 212 of the Compromise Agreement generally follows the House language. However, the Compromise Agreement stipulates that, not later than one year after the date of the death of the claimant, the individual who would be eligible to receive accrued benefits under section 5121(a) of title 38 must file a request to be substituted as the claimant for the purpose of processing the claim to completion. This is the same time period within which claimants for accrued benefits are required to file an application for accrued benefits must file such a claim under current law. Under the Compromise Agreement, any person seeking substitution shall present evidence of the right to claim such status within the time period prescribed by the Secretary in regulations.

REPORT ON COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES

Current Law

Under chapter 11 of title 38, VA pays compensation to veterans who suffer disabilities as a result of an injury or disease incurred or aggravated in the line of duty during active duty. Section 1155 of title 38 requires VA to adopt and apply a schedule of disability ratings, which is used to determine the amount of compensation that will be provided. That schedule is based on the average impairment of earning capacity caused by a service-connected disability.

In July 2007, the President's Commission on Care for America's Returning Wounded Warriors recommended that Congress restructure VA disability payments to include transition payments and that VA update the rating schedule to reflect current injuries and the impact of disability on quality of life. In 2008, the Secretary entered into a contract to conduct studies on those issues. The studies examined the appropriate level of disability compensation to be paid to veterans to compensate for loss of earning capacity and loss of quality of life as a result of service-connected disabilities. The studies also examined the feasibility and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to a disability while those veterans are undergoing a program of rehabilitation.

Senate Bill

Section 106 of S. 3023, as amended, would require the Secretary to provide Congress with a report regarding the results of studies examining the appropriate compensation to be provided to veterans for loss of earning capacity and loss of quality of life caused by service-connected disabilities and examining long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

Section 106 also would require the Secretary to submit to Congress a report including a comprehensive description of the findings and recommendations of those studies; a description of the actions proposed to be taken by the Secretary in light of those findings and recommendations, including a description of any proposed modifications to the VA disability rating schedule or to other regulations or policies; a schedule for the commencement and completion of any actions proposed to be taken; and a description of any legislative action required in order to authorize, facilitate, or enhance any of the proposed actions. That report would be due no later than 210 days after the date of enactment.

House Bill

Section 102(a) of H.R. 5892, as amended, would require the Secretary to conduct a study on adjusting the schedule for rating disabilities adopted and applied under section 1155 of title 38. It would require VA to complete the study within 180 days after the date of enactment and would require VA, within 60 days after completing the study, to submit to Congress a report on the study. Not later than 120 days after the Secretary submits the report, the Secretary would be required to submit a plan for readjusting the rating schedule.

Compromise Agreement

Section 213 of the Compromise Agreement generally follows the Senate language.

ADVISORY COMMITTEE ON DISABILITY COMPENSATION

Current Law

There is no applicable provision in current law.

House Bill

Section 102(d) of H.R. 5892, as amended, would require the Secretary to establish an 18-member Advisory Committee on Disability Compensation. The Committee would consist of individuals who have demonstrated civic or professional achievement and who have experience in the provision of disability compensation or have other relevant scientific or medical expertise. The Secretary would determine the terms of pay and service of such members, but their terms of service would not exceed two years. The Secretary would be authorized to reappoint members for subsequent terms.

Section 102 would require the Committee to be responsible for providing advice to the Secretary with respect to the maintenance and periodic adjustment of the rating schedule.

It would also require the Committee to submit annual reports to the Secretary and require the Secretary to submit reports and recommendations to the Committees on Veterans' Affairs of the House and Senate.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 214 of the Compromise Agreement contains the House provision with modifications. The Committees intend that this Committee provide medical and scientific advice to the Secretary concerning the maintenance and readjustment of the rating schedule. Therefore, the Compromise Agreement provides that membership be limited to individuals with experience with the provision of disability compensation by the Department or individuals who are leading medical or scientific experts in relevant fields. The Compromise Agreement extends the term of service of such members to four years and provides that the terms are to be staggered so as to provide for continuity of membership on the Committee. The Compromise Agreement provides that the Secretary shall appoint a Chair of the Committee.

The Compromise Agreement specifically provides that the Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Committee to carry out its responsibilities. The Compromise Agreement requires the Committee to submit biennial reports to the Secretary. The Compromise Agreement requires the Secretary to submit such biennial reports to the Committees on Veterans' Affairs of the Senate and House together with the recommendations of the Committee and the Secretary.

Subtitle B—Assistance and Processing Matters

PILOT PROGRAMS ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS

Current Law

Section 5103 of title 38 requires the Secretary to notify a claimant of the information and medical or lay evidence needed to substantiate the claimant's claim. Under section 5103A of title 38, the Secretary is required to assist the claimant by making reasonable efforts to obtain evidence necessary to substantiate the claimant's claim. In claims for service-connection, this duty includes obtaining records held by any Federal department or agency and by providing a medical examination or opinion necessary to

make a determination on the claim. VA is required to comply with these laws before issuing a decision on the claim.

House Bill

Section 107(a) of H.R. 5892, as amended, would require the Secretary to provide for the expeditious treatment of any fully developed claim. A fully developed claim would be defined as a claim for which the claimant received assistance from a veterans service officer, a State or county veterans service officer, an agent, an attorney or for which the claimant submits with the claim an indication that the claimant does not want to submit any additional information and does not require assistance with respect to the claim. The claimant would certify in writing that no additional information is available or needed to be submitted in order for the claim to be adjudicated. The Secretary would be required to decide such claims within 90 days of submittal.

Section 107(b) of H.R. 5892, as amended, would require the Secretary to amend the notice required by section 5103 of title 38 to require the creation of a detailed checklist for claims for specific requests of additional information or evidence.

The checklist would be required to be developed within 180 days of enactment.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 221 of the Compromise Agreement accepts the House provision with an amendment that creates two pilot programs to test the effectiveness of providing expedited treatment of fully-developed claims and providing an additional checklist that includes information or evidence required to be submitted by the claimant to substantiate the claim. The pilot program on expedited treatment of fully developed claims would be carried out at 10 VA regional offices for a period of one year beginning 60 days after the date of enactment; the pilot program on the provision of checklists to individuals submitting claims would be carried out at four VA regional offices for a period of one year beginning 60 days after the date of enactment for original claims and for a period of three years beginning 60 days after the date of enactment for reopened claims and claims for increased disability ratings. The Secretary would be required to provide interim reports for each pilot authorized under this section and final reports would be due to Congress upon conclusion of the pilots.

The Compromise Agreement provides that such checklist be construed as an addendum to the notice required by section 5103 of title 38 and shall not be considered as part of the notice for purposes of reversal or remand of a decision of the Secretary. As such, the Committees stress that these checklists are intended to serve only as guidance for claimants and that any errors in these checklists should not be the basis for a remand of the claimant's claim.

The Committees expect that, in selecting locations for the pilot projects, the Secretary shall ensure that regional offices of various size and geographic location are included in the pilot projects. The Committees encourage the Secretary to locate the four pilot programs for the checklist at locations selected for the expedited claims pilot projects.

OFFICE OF SURVIVORS ASSISTANCE

Current Law

There is no relevant provision in current law.

House Bill

Section 101 of H.R. 5892, as amended, would require VA to create an Office of Survivors Assistance (Office) within the Veterans Benefits Administration that would provide policy and program analysis and oversight regarding all benefits and services delivered by the VA to survivors of deceased veterans and servicemembers.

The Office would be responsible for ensuring that survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services provided under title 38. The Office would also be responsible for regular and consistent monitoring of benefits delivery to survivors and dependents and ensuring that appropriate referrals are made with respect to various administrations within the VA.

The Office would act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

The Secretary would be required to identify and include the activities of the Office in the annual report to Congress under section 529 of title 38.

In establishing the Office, the Secretary would have to seek guidance from interested stakeholders, including veterans service organizations and other service organizations.

The Secretary would be required to ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

Senate Bill

The Senate Bills contain no comparable provisions.

Compromise Agreement

Section 222 of the Compromise Agreement follows the House language with modifications. In the Compromise Agreement, the Office is established in the Department rather than in the Veterans Benefits Administration (VBA). The Committees expect that, by placing the Office under the Department, the full spectrum of VA benefits and services for survivors would be addressed.

The Compromise Agreement does not specify the duties of the office in the legislation. However, the Committees intend that the Office be responsible for ensuring that the surviving spouses, children and parents of deceased veterans, including deceased members of the Armed Forces, have access to applicable benefits and services under title 38. The Committees expect that programs carried out by the Department for such survivors will be conducted in a manner that is responsive to their specific needs. The Committees expect the Office to conduct regular and consistent monitoring of the delivery of benefits and services to this population. The Committees expect the Office to ensure that policies and procedures are such that such survivors will receive appropriate referrals to the relevant administrations and offices of the Department, so that such survivors may receive all of the benefits and services for which they are eligible.

COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES

Current Law

VA dependency and indemnity compensation (DIC) is a benefit that is paid to survivors of certain veterans. To be eligible, the veteran's death must have resulted from: a disease or injury incurred or aggravated in the line of duty or active duty for training; an injury incurred or aggravated in the line of duty while on inactive duty training; or, a service-connected disability or a condition directly related to a service-connected disability.

DIC may also be paid to survivors of veterans who were totally disabled from service-connected conditions at the time of death, even if the death was not caused by their service-connected disabilities. To be eligible for the benefit under this circumstance, the veteran must have been rated totally disabled for the ten years preceding death; rated totally disabled from the date of military discharge and for at least five years immediately preceding death; or, a former prisoner of war who died after September 30, 1999, and who was rated totally disabled for at least one year immediately preceding death.

Surviving spouses of veterans who died on or after January 1, 1993, receive a basic rate, plus additional amounts for dependent children. Surviving spouses of veterans who died prior to January 1, 1993, receive an amount based on the deceased veteran's military pay grade, plus additional amounts for dependents.

Senate Bill

Section 807 of S. 1315, as amended, would require the Comptroller General to report on the adequacy of DIC to maintain survivors of veterans who die from service-connected disabilities. The Comptroller General would be required to submit, to the Committees on Veterans' Affairs of the Senate and House of Representatives, a report regarding the adequacy of the benefits to survivors in replacing the deceased veteran's income. The Comptroller General would be required to include a description of the current system of payment of DIC to survivors, including a statement of DIC rates; an assessment of the adequacy of DIC in replacing a deceased veteran's income; and any recommendations that the Comptroller General considers appropriate in order to improve or enhance the effects of DIC in replacing the deceased veteran's income. The Comptroller General would be required to submit the report not later than ten months after the date of enactment of the provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 223 of the Compromise Agreement follows the Senate language.

INDEPENDENT ASSESSMENT OF QUALITY ASSURANCE PROGRAM

Current Law

Section 7731 of title 38 requires the Secretary to carry out a quality assurance program within the Veterans Benefits Administration. Under this provision, the Secretary has elected to carry out a separate quality assurance program, the Systematic Technical Accuracy Review (STAR), for measuring compensation and pension claims processing accuracy.

House Bill

Section 106 of H.R. 5892, as amended, would require the Secretary to contract with an independent third-party entity for an annual quality assurance assessment. The assessment would measure a statistically valid sample of VBA employees and their work product to assess quality and accuracy. The provision would also require the production of automated categorizable data to help identify trends. Under this provision, the Secretary would be required to use information gathered through the annual assessment to develop an employee certification as found in section 105 of H.R. 5892, as amended.

Senate Bill

The Senate Bills contain no similar provision.

Compromise Agreement

Section 224 of the Compromise Agreement follows the House bill with modifications.

Under the Compromise Agreement, the Secretary would enter into a contract with an independent third-party entity to conduct a three-year assessment of the quality assurance program. The Committees intend that this provision would be applicable only to quality assurance programs involving the adjudication of claims for compensation and pension benefits. The Compromise Agreement does not include language from section 106 of H.R. 5892, as amended, which would have expressly required the Secretary to ensure the accuracy and consistency across different regional offices with the Department as an amendment to 7731, of title 38, United States Code. However, the Committees agree that the Secretary should strive to reduce variances in ratings for disability compensation between regional offices. The Committees note that section 104 of the Compromise Agreement requires a report from the Secretary in addressing unacceptable variances in compensation payments.

The Compromise Agreement also contains provisions from the House bill which would require the Secretary to retain, monitor, and store in an accessible format certain data with respect to claims for service-connected disability compensation. The Committee recognizes that sex and race data are not kept by the Department within the database utilized by the Veterans Benefits Administration at this time and, therefore, excluded those items from the data required to be collected.

In other respects, the Compromise Agreement generally follows the House bill. The Committees agree that House Report 110–789 contains a full explanation of the House provisions which were modified in the Compromise Agreement.

CERTIFICATION AND TRAINING OF EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS

Current Law

The Secretary has general authority to manage and provide for certification of employees of the Department. There is no specific applicable provision in current law.

House Bill

Section 105 of H.R. 5892, as amended, would require the Secretary to develop a certification examination to test appropriate VBA employees and managers who are responsible for processing claims for benefits. The Secretary would be required to develop such examinations in consultation with specified stakeholders. The Secretary would be directed to require such employees and managers to take a certification examination. The Secretary would be prohibited from satisfying the requirements of the bill through the use of any certification examination or program that exists as of the date of enactment of the bill.

The House provision would also require the Secretary to contract with an outside entity to conduct an evaluation of VBA's training and quality assurance programs within 180 days of enactment and provide the results of such evaluation to Congress.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 225 of the Compromise Agreement follows the House language with modifications. The Compromise Agreement would apply only to employees and managers who are responsible for processing claims for compensation and pension benefits. By using the general term ''compensation and pension'' benefits, the Committees intend that the provision would apply to employees and managers responsible for processing claims for all monetary benefits paid to veterans and survivors, including DIC, death compensation, death pension and benefits paid to children under chapter 18 of title 38.

Under the Compromise Agreement, the Secretary is required to consult with examination development experts, interested stakeholders, and employee representatives and consider the data produced under section 7731(c)(3) of title 38 as added by section 224 of the bill.

The Compromise Agreement does not contain the prohibition on use of certification examinations or programs that currently exist as in H.R. 5892, as amended. However, the Compromise Agreement requires the Secretary to develop an updated certification examination no later than one year after the date of enactment of this bill and to begin using the updated examination within 90 days after the date on which development of the updated examination is complete.

The Compromise Agreement does not include the House provision requiring that VA contract for an evaluation. However, it does require the Comptroller General of the United States to evaluate the training programs administered for employees of the Veterans Benefits Administration and submit a report on the findings of the evaluation to the Committees.

STUDY OF PERFORMANCE MEASURES FOR CERTAIN EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION

Current Law

There is no applicable provision in current law.

House Bill

Section 103 of H.R. 5892, as amended, would require the Secretary to conduct a study of VBA's work credit system, which is used to measure the work production of VBA employees. This section of the House bill would require that the Secretary consider the advisability of implementing: performance standards and accountability measures; guidelines and procedures for the prompt processing of claims that are ready to rate upon submission; guidelines and procedures for the processing of such claims submitted by severely injured and very severely injured veterans; and requirements for assessments of claims processing at each regional office for the purposes of producing lessons learned and best practices. A report on the study would be required no later than 180 days after the Secretary submits to Congress the report; and the Secretary would be obligated to establish a new system for evaluating work production. This section of H.R. 5892, as amended, would prohibit the Secretary from awarding a work credit to any employee of the Department if the Secretary has not implemented a new system within the time specified.

Section 104 of H.R. 5892, as amended, would require the Secretary to conduct a study on the work management system of the Veterans Benefits Administration designed to improve accountability, quality, and accuracy and reducing the time for processing claims for benefits.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 226 of the Compromise Agreement generally follows the House language with modifications. Under the Compromise Agreement, the Secretary would be required to conduct a study on the effectiveness of the current employee work credit system and the work management system of the Veterans Benefits Administration which is used to measure and manage the work production of employees of the Veterans Benefits Administration who handle claims for compensation and pension benefits. The Secretary would be required to report to Congress on the work credit system and work management system no later than October 31, 2009. The report would be required to identify the components required to implement an updated system for evaluating such VBA employees.

In addition, the Compromise Agreement requires that not later than 210 days after the date on which the Secretary submits to Congress the report required under this section, the Secretary shall establish an updated system, based upon the findings of the study, for evaluating the performance and accountability of VBA employees who are responsible for processing claims for compensation or pension benefits.

REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY IN VETERANS BENEFITS ADMINISTRATION

Current Law

There is no applicable provision in current law.

House Bill

Section 110 of H.R. 5892, as amended, would require the Secretary to conduct a review, no later than one year after the date of enactment of this Act, on the use of information technology within the Veterans Benefits Administration. It also requires the Secretary to develop a comprehensive plan for use of such technology in processing claims for benefits so as to reduce subjectivity, avoidable remands, and regional office variances in disability ratings for specific disabilities.

The House bill would also require that the comprehensive plan include information technology upgrades including web portals, rules-based expert systems, and decision support software.

Under the House bill, a report on the progress of the review and plan would be due to Congress by no later than January 1, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 227 of the Compromise Agreement generally follows the House bill, except that it clarifies two of the comprehensive plan requirements contained in section 110 of H.R. 5892, as amended. The Compromise Agreement gives the Secretary the discretion to include the following elements, to the extent practicable: the ability for benefits' claimants to view applications online and compliance with security requirements as noted in section 227(b)(3)(B)(ii) of the Compromise Agreement.

The Compromise Agreement also requires that the plan be developed, not later than one year after date of enactment.

The Compromise Agreement requires, no later than April 1, 2010, a report to Congress on the review and the comprehensive plan required under this section.

STUDY AND REPORT ON IMPROVING ACCESS TO MEDICAL ADVICE

Current Law

There is no applicable provision in current law.

House Bill

Section 108 of H.R. 5892, as amended, would require the Secretary to conduct a study to evaluate the need of the Veterans Benefits Administration to employ medical professionals who are not physicians, to act as a medical reference for employees of the Administration so that such employees may accurately assess medical evidence submitted

in support of claims for benefits under laws administered by the Secretary. The House bill would prohibit any medical professionals of the Veterans Health Administration from being employed to rate any disability or evaluate any claim. It would require the Secretary to conduct a statistically significant survey of VBA employees to ascertain whether, how, and to what degree medical professionals could provide assistance to such employee.

Section 108 would also require the Secretary to submit to Congress a report, within 180 days of enactment of the bill, to evaluate the need to employ such medical professionals. If the Secretary hired medical professionals pursuant to this study, the House bill would require that all employees of all VBA regional offices have access to the medical professionals.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 228 of the Compromise Agreement generally follows the House language with modifications. The Compromise Agreement requires the Secretary to conduct a study to assess the feasibility and advisability of various mechanisms to improve communication between the Veterans Benefits Administration and the Veterans Health Administration when needed by Veterans Benefits Administration employees to carry out their duties. The study is also required to evaluate whether additional medical professionals are necessary to provide access to relevant Veterans Benefits Administration employees. The Compromise Agreement omits the requirement in the House bill for a statistically significant study of employees.

Title III—Labor and Education Matters

Subtitle A—Labor and Employment Matters

REFORM OF USERRA COMPLAINT PROCESS

Current Law

Chapter 43 of title 38 provides reemployment and employment rights to servicemembers, veterans, and those who seek to join a uniformed service through the Uniformed Services Employment and Reemployment Rights Act (USERRA). Individuals can privately enforce their rights by filing a complaint in federal or state court, or, in the case of a complaint against a federal employer, by submitting a complaint to the Merit Systems Protection Board (MSPB). In addition, individuals can request assistance from the federal government by filing a complaint with the Department of Labor's Veterans' Employment and Training Service (DOL VETS), which investigates and attempts to resolve complaints, and, if requested, will refer complaints for litigation. DOL VETS refers complaints against federal agencies to the Office of Special Counsel (OSC) and complaints against private sector employers and state and local governments to the Attorney General. The Special Counsel or Attorney General may represent individuals before the MSPB or in federal court, respectively.

Senate Bill

Section 302 of S. 3023, as amended, would create deadlines for DOL VETS, OSC, and the Attorney General to provide assistance to servicemembers who believe that their rights under USERRA have been violated.

Within 5 days of receiving a USERRA complaint, DOL VETS would be required to notify a complainant in writing about his or her rights to receive governmental assistance, including the right to request a referral and the relevant deadlines that the federal agencies must meet and within 90 days of receiving the complaint, DOL VETS would be required to complete its assistance and investigation and notify the complainant of the results and his or her rights, including the right to request a referral and the deadlines federal agencies must meet. Within 48 days after receiving a request for a referral, DOL would be required to refer a complaint to OSC or the Attorney General. Within 60 days of receiving a referral, OSC or the Attorney General would be required to determine whether to provide legal representation to the complainant and notify the complainant of that decision in writing.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 311 of the Compromise Agreement follows the Senate language.

MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA

Current Law

Under current law, the Secretary of Labor must file an annual report to Congress that includes the number of cases reviewed by DOL VETS and the Department of Defense Employer Support of the Guard and Reserve, the number of cases referred to OSC and the Attorney General, and the number of complaints filed by the Attorney General.

Senate Bill

Section 303 of S. 3023, as amended, would expand the reporting requirements regarding the federal government's enforcement of USERRA by requiring data on the number of individuals whose cases are reviewed by both the Department of Defense Employer Support of the Guard and Reserve (DOD ESGR), DOL VETS, OSC, and the Attorney General that involve a disability-related issue, and the number of cases that involve a person with a service-connected disability. In addition, the Senate bill would change the date on which the report is required.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 312 of the Compromise Agreement follows the Senate language.

TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Current Law

There is no applicable provision in current law.

Senate Bill

Section 304 of S. 3023, as amended, would add a new section to chapter 43 of title 38 to require the head of each Federal executive agency to provide training for human resources personnel on the rights, benefits, and obligations of members of the Armed Forces under USERRA and the administration of USERRA by Federal executive agencies. It would require that the training be developed and provided in consultation with the Office of Personnel Management. The training would be provided as often as specified by the Director of the Office of Personnel Management in order to ensure that the human resources personnel are kept fully and currently informed about USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 313 of the Compromise Agreement follows the Senate language.

REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS

Current Law

There is no applicable provision in current law.

Senate Bill

Section 305 of S. 3023, as amended, would require a report by the Secretary of Labor on efforts to address the employment needs of Native American veterans living on tribal lands.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 314 of the Compromise Agreement follows the Senate language.

EQUITY POWERS

Current Law

Under section 4323(e) of title 38 courts may, in an action brought against a State or private employer, use their full equity powers to vindicate the rights or benefits of individuals provided under USERRA.

House Bill

Section 2 of H.R. 6225, as amended, would amend section 4323(e) of title 38 to require that, in USERRA actions brought against private or State employers, courts shall use their equity powers in any case in which the court determines it is appropriate.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 315 of the Compromise Agreement follows the House language.

WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING

Current Law

Section 4103(a)(2) of title 38 requires that each State Director of Veterans' Employment and Training (SDVET) have been, at the time of appointment, a bona fide resident of the State for at least two years.

Senate Bill

Section 303 of S. 1315, as amended, would permit waiver of a residency requirement for SDVETs.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 316 of the Compromise Agreement follows the Senate language.

MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS

Current Law

Section 4110A of title 38 requires the Secretary of Labor, through the Bureau of Labor Statistics, to submit a report every two years on the employment and unemployment experiences of Vietnam-era veterans, Vietnam-theater veterans, special disabled veterans, and recently separated veterans.

Senate Bill

Section 304 of S. 1315, as amended, would update this special unemployment study to focus on veterans of the Post-9/11 Global Operations period and require an annual report.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 317 of the Compromise Agreement generally follows the Senate language, except that the report would be required to include veterans of the Vietnam era, as well as

veterans of the Post-9/11 Global Operations period.

Subtitle B—Education Matters

MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE

Current Law

Under the Survivors' and Dependents' Educational Assistance (DEA) program, VA provides up to 45 months of education benefits to certain children or spouses of military personnel. For instance, the spouse of a veteran or servicemember may be eligible for benefits if the veteran died, or is permanently and totally disabled, as the result of a service-connected disability or if the veteran died from any cause while a permanent and total service-connected disability was in existence.

The spouse generally must use these education benefits within ten years after the date on which the veteran dies or is found to be permanently and totally disabled. However, if the servicemember died while on active duty, the spouse may use the education benefits during the twenty-year period after the servicemember's death.

Senate Bill

Section 311 of S. 3023, as amended, would extend from ten years to twenty years the time within which the spouses of certain severely injured veterans have to use their DEA benefits. Specifically, the twenty-year period would be available to a spouse of a veteran who becomes permanently and totally disabled within three years after discharge from service, if the spouse remains married to the veteran.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 321 of the Compromise Agreement follows the Senate language.

REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING

Current Law

Under current law, State approving agencies approve, for VA education benefits purposes, the application of educational institutions providing non-accredited courses if the institution and its courses meet certain criteria. Among these is the requirement that the institution maintain a written record of the previous education and training of the eligible person and what credit for that training has been given the individual. The institution must notify both VA and the eligible person regarding the amount of credit the school grants for previous training.

Senate Bill

Section 312 of S. 3023, as amended, would repeal the requirement that an educational institution providing non-accredited courses notify VA of the credit granted for prior training of certain individuals.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 322 of the Compromise Agreement contains the Senate provision.

MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE

Current Law

Under current law, in the case of courses offered through correspondence, an enrollment agreement signed by a veteran, spouse, or surviving spouse will not be effective unless he or she, after ten days from the date of signing the agreement, submits a written and signed statement to VA affirming the enrollment agreement. In the event the individual at any time notifies the institution of his or her intention not to affirm the agreement, the institution, without imposing any penalty or charging any fee, shall promptly make a refund of all amounts paid.

Senate Bill

Section 313 of S. 3023, as amended, would decrease to five days the waiting period before affirmation of enrollment in a correspondence course may be finalized for purposes of receiving educational assistance from VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 323 of the Compromise Agreement follows the Senate language.

CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION

Current Law

Under current law, a student who desires to initiate a program of education must submit an application to VA in the form prescribed by the Department. If the student decides a different program is more advantageous to his or her needs, that individual may change his or her program of study once. However, additional changes require VA to determine that the change is suitable to the individual's interests and abilities. It is rare for VA to deny a change of program, especially if the student is continuing in an approved program at the same school.

Senate Bill

Section 314 of S. 3023, as amended, would repeal the requirement that an individual notify VA when the individual changes educational programs but remains enrolled at the same educational institution.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 324 of the Compromise Agreement follows the Senate language.

REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING

Current Law

Under current law, all provisions of title 38 that apply to VA's other on-job training (OJT) programs (except the requirement that a training program has to be for at least six months) apply to franchise-ownership OJT, including the requirement that the trainee earn wages that are increased on an incremental basis.

Senate Bill

Section 315 of S. 3023, as amended, would exempt on-the-job training programs from the requirement to provide participants with wages if the training program is offered in connection with the purchase of a franchise.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 325 of the Compromise Agreement follows the Senate language.

COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS

Current Law

Under chapter 36 of title 38 VA contracts for the services of State approving agencies (SAAs) for the purpose of approving programs of education at institutions of higher learning, apprenticeship programs, on-job training programs, and other programs that are located within each SAA's State of jurisdiction. Generally SAA approval of these programs is required before beneficiaries may use their educational assistance benefits to pay for them. The Departments of Education and Labor also assess education and training programs for various purposes, primarily for awarding student aid and providing apprenticeship assistance.

Senate Bill

Section 301 of S. 1315, as amended, would amend section 3673 of title 38 to require VA to take appropriate actions to ensure the coordination of approval activities performed by SAAs and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of those activities.

House Bill

The House Bills have no comparable provision.

Compromise Agreement

Section 326 of the Compromise Agreement follows the Senate language.

Subtitle C—Vocational Rehabilitation Matters

WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD

Current Law

Under chapter 31 of title 38 VA may provide services to certain veterans with service-connected disabilities to help them achieve maximum independence in daily living. Under section 3105 of title 38 the general rule is that no more than 24-months of these services may be provided to a veteran. However, under section 3105(d) of title 38 the period may be extended if ''the Secretary determines that a longer period is necessary and likely to result in a substantial increase in a veteran's level of independence in daily living.''

Senate Bill

Section 301 of S. 3023, as amended, would amend section 3105(d) of title 38 to allow VA, without having to make such a determination, to extend the 24-month cap on independent living services for any veteran who served on active duty during the Post-9/11 Global Operations period and incurred or aggravated a severe disability during that service.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 331 of the Compromise Agreement follows the Senate language.

INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM

Current Law

Section 3120(e) of title 38 authorizes VA to initiate a program of independent living services for no more than 2,500 service-connected disabled veterans in each fiscal year.

Senate Bill

The Senate Bills contains no comparable provision.

House Bill

Section 301 of H.R. 6832 increases to 2,600 the number of veterans who may initiate a program of independent living services in any fiscal year.

Compromise Agreement

Section 332 of the Compromise Agreement follows the House language.

REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION

Current Law

Under chapter 31 of title 38, VA provides vocational rehabilitation and employment services to veterans with service-connected disabilities. In its July 2007 report, the President's Commission on Care for America's Returning Wounded Warriors found that, ''of the 65,000 who apply for [VA's Vocational Rehabilitation and Employment program] each year, at most 10,000 of all ages complete the employment track in the program each year.'' The Commission also found that ''the effectiveness of various vocational rehabilitation programs is not well established, and the VA should undertake an effort to determine which have the greatest long-term success.'' In addition, the Commission recommended that ''VA should develop financial incentives that would encourage completion'' of vocational rehabilitation.

Senate Bill

Section 306 of S. 3023, as amended, would require VA to conduct a study that would identify the various factors that may prevent or preclude veterans from successfully completing their vocational rehabilitation plans. It would also require identification of actions that the Secretary may take to address such factors. Not later than 270 days after beginning the study, VA would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report including the findings of the study and any recommendations on actions that should be taken in light of that study.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 333 of the Compromise Agreement generally follows the Senate language, except that it includes language to specify that the study is required only to the extent that it does not duplicate elements of a VA study or report released during the one-year period after the date of enactment.

LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS

Current Law

Under chapter 31 of title 38 VA provides vocational rehabilitation and employment services for certain veterans with service-connected disabilities. VA currently collects data that does not accurately demonstrate the long-term results of participation in, or completion of, VA's vocational rehabilitation and employment program. Typically, VA knows how long a veteran spends in the various phases in long-term training and the costs related to that participation. However, VA does not collect data on earnings, promotions, and other long-term employment-related data following completion of the program. VA also does not collect data on those who may qualify for the program but do not complete the track of the program appropriate to their situation.

House Bill

Section 1 of H.R. 3889 would require VA, subject to the availability of appropriated funds, to conduct a longitudinal study, over a period of at least 20 years, of a statistically valid sample of certain groups of individuals who participate in VA's vocational rehabilitation and employment program. The groups of individuals would include those who begin participating in the vocational rehabilitation program during fiscal year 2009, those individuals who begin participating in such a program during fiscal year 2011, and those individuals who begin participating in such a program during fiscal year 2014.

By not later than July 1 of each year covered by the study, the Secretary would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year. The Secretary would be required to include in the report any data necessary to determine the long-term outcomes of the individuals participating in the program. In addition, each report would be required to contain (1) the number of individuals participating in vocational rehabilitation programs who suspended participation in such a program during the year covered by the report; (2) the average number of months such individuals served on active duty; (3) the distribution of disability ratings of such individuals; (4) the types of other benefits administered by the Secretary received by such individuals; (5) the types of social security benefits received by such individuals; (6) any unemployment benefits received by such individuals; (7) the average number of months such individuals were employed during the year covered by the report; (8) the average annual starting and ending salaries of such individuals who were employed during the year covered by the report; (9) the number of such individuals enrolled in an institution of higher learning; (10) the average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report; (11) the average number of visits such individuals made to VA medical facilities during the year covered by the report; (12) the average number of visits such individuals made to non-VA medical facilities during the year covered by the report; (13) the average annual income of such individuals; (14) the average total household income of such individuals for the year covered by the report; (15) the percentage of such individuals who own their principal residences; and (16) the average number of dependents of each such veteran.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 334 of the Compromise Agreement generally follows the House language, except that study participants would be selected from those individuals who begin participating in VA's vocational rehabilitation program during fiscal years 2010, 2012, and 2014.

Title IV—Insurance Matters

REPORT ON INCLUSION OF SEVERE AND ACUTE POST-TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Section 1980A of title 38 provides traumatic injury protection coverage under the Servicemembers Group Life Insurance (SGLI) program. Traumatic Servicemembers Group Life Insurance (TSGLI) provides coverage against qualifying losses incurred as a result of a traumatic injury event. In the event of a loss, VA will pay between $25,000 and $100,000 depending on the severity of the qualifying loss. At present, active duty and reserve component servicemembers with any amount of SGLI coverage are automatically covered under TSGLI. A premium (currently $1 monthly) is collected from covered members to meet peacetime program expenses; the DOD is required to fund TSGLI program costs associated with the extra hazards of military service.

Subsection (b)(1) of section 1980A lists some qualifying losses for which injured servicemembers are covered under TSGLI, including, among others, complete loss of vision, complete loss of hearing, amputation of a hand or foot and the inability to carry out the activities of daily living resulting from injury to the brain. PTSD is not currently among the conditions classified as qualifying a loss.

Senate Bill

Section 501 of S. 3023, as amended, would require VA, in consultation with the Department of Defense, to submit a report to Congress assessing the feasibility of and advisability of including severe and acute PTSD among the conditions covered by TSGLI. The report would be due to the Committees not later than 180 days after enactment of this bill.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the Senate language.

TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

In 2001, section 4 of the Veterans' Survivor Benefits Improvements Act of 2001, Public Law 107–14, established a program of family insurance coverage under SGLI through which an SGLI-insured member's insurable dependents could also be insured. Section 1965(10) of title 38 defines insurable dependents as the member's spouse, and the member's child. Section 101(4)(A) of title 38 defines the term child as a person who is unmarried and under the age of 18 years; who became permanently incapable of self support before attaining the age of 18; or a dependent over the age of 18 that is pursuing education or training at an approved institution. Dependents over the age of 18 are considered a child until they complete their education, or until they reach the age of 23. Under current law, stillborn children are not eligible for coverage as insurable dependents under SGLI.

Senate Bill

Section 502 of S. 3023, as amended, would amend section 1965(10) of title 38, so as to cover a servicemember's ''stillborn child,'' as an insurable dependent under the SGLI program. The Committees expect VA to issue regulations that would define the term in a manner consistent with the 1992 recommended reporting requirements of the Model State Vital Statistics Act and Regulations as drafted by the Centers for Disease Control and Prevention's National Center for Health Statistics. The Model Act recommends a state reporting requirement of fetal deaths involving fetuses weighing 350 grams or more, if the weight is unknown, or 20 or more completed weeks of gestation, calculated from the date last normal menstrual began to the date of delivery.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 402 of the Compromise Agreement follows the Senate language.

OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE

Current Law

SGLI is a VA-supervised life insurance program that provides group coverage for members on active duty in the uniformed services (Army, Navy, Air Force, Marine Corps, and Coast Guard), members of the Commissioned Corps of the United States Public Health

Service and the National Oceanic and Atmospheric Administration, Reserve and National Guard members, Reserve Officer Training Corps members engaged in authorized training, service academy cadets and midshipmen, Ready Reserve and Retired Reserve members, and Individual Ready Reserve members who are subject to involuntary recall to active duty service. VA purchases a group policy on behalf of participating members from a commercial provider. Since the inception of the SGLI program in 1965, The Prudential Insurance Company of America has been the provider. VA's FY 2009 budget submission projects that 2,342,000 individuals will be covered under SGLI in FY 2009.

Full coverage under SGLI is provided automatically at the maximum coverage amount when an individual begins covered service. Partial coverage at prorated premium rates is available for Reserve and National Guard members for active and inactive duty training periods. To be covered in an amount less than the maximum, or to decline coverage altogether, a member must make a written election to that effect. Coverage amounts may be reduced in multiples of $10,000. A member may also name, at any time, one or more beneficiaries of his or her choice. Decisions concerning coverage amounts and designation of beneficiaries are made at the sole discretion of members insured under SGLI.

The Veterans' Insurance Act of 1974, Public Law 93–289, established a new program of post-separation insurance known as Veterans Group Life Insurance (VGLI). Like SGLI, VGLI is supervised by VA but administered by Prudential. VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard. Like SGLI, VGLI is issued in multiples of $10,000 up to the maximum coverage amount, but in no case can VGLI coverage exceed the amount of SGLI coverage a member had in force at the time of separation from active duty service or the Reserves.

Senate Bill

Section 503 of S. 3023, as amended, includes numerous amendments to SGLI.

Subsection (a) of section 503 would extend full-time and family SGLI coverage to Individual Ready Reservists (IRRs), those individuals referred to in section 1965(5)(C) of title 38. This group of individuals volunteer for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10. The Veterans' Survivor Benefits Improvement Act of 2001, Public Law 107–14, provided SGLI coverage for Ready Reservists, referred to in section 1965(5)(B), but not to IRRs.

Subsection (b) of section 503 would provide that a dependent's SGLI coverage would terminate 120 days after the date of the member's separation or release from service, rather than 120 days after the member's SGLI terminates.

Subsection (c) of section 503 would clarify that VA has the authority to set premiums for SGLI coverage for the spouses of Ready Reservists based on the spouse's age.

Subsection (d) of section 503 would clarify that any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces or refuses to wear the uniform of the Armed Forces, forfeits all rights to VGLI.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate language.

ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE

Current Law

Under current law, the administrative costs of the Service-Disabled Veterans Insurance program are paid for by the Government from VA's General Operating Expenses account.

Senate Bill

Section 102 of S. 1315 would allow administrative costs for the S-DVI program to be paid for by premiums, as is done with all other National Service Life Insurance subfunds. This would allow administrative costs to be provided from Veterans Insurance and Indemnities and not General Operating Expenses in Function 700 of the Budget of the United States Government.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 404 of the Compromise Agreement follows the Senate language.

Title V—Housing Matters

TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS

Current Law

Section 3703 of title 38 stipulates the maximum loan guaranty amounts that VA will provide to veterans under its home loan guaranty program. Public Law 108–454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. The Economic Stimulus Act of 2008 (Stimulus Act), Public Law 110–185, temporarily reset the maximum limits on home loans that the Federal Housing Administration (FHA) may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices, but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly $730,000, in the highest cost areas, while leaving the then-VA limit of $417,000 in place.

On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110–289. That law provided a temporary increase in the maximum guaranty amount for VA loans originated from July 30, 2008, through December 31, 2008, to the same level as provided in the Stimulus Act.

Senate Bill

Section 201 of S. 3023, as amended, in a freestanding provision, would apply the temporary increase in the maximum guaranty amount, enacted in Public Law 110–289, until December 31, 2011.

House Bill

Section 203 of H.R. 6832 would amend section 2201 of Public Law 110–289 by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

Compromise Agreement

Section 501 of the Compromise Agreement follows the Senate language.

REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS

Current Law

There is no applicable provision in current law.

Senate Bill

Section 205 of S. 3023, as amended, would require VA to report on the impact of the mortgage foreclosure crisis on veterans and the adequacy of existing mechanisms available to help veterans. The report would have to include four specific elements: (1) a general assessment of the income of veterans who have recently separated from the Armed Forces; (2) an assessment of the effects of the length of the disability adjudication process on the capacity of veterans to maintain adequate or suitable housing; (3) a description of the extent to which the provisions of the Servicemembers Civil Relief Act currently protect veterans from mortgage foreclosure; and (4) a description and assessment of the adequacy of the VA home loan guaranty program in preventing foreclosure for recently separated veterans. The report would be due to the Committees on Veterans' Affairs of the Senate and the House of Representatives no later than December 31, 2009.

House Bill

The House Bills contain no comparable provisions.

Compromise Agreement

Section 502 of the Compromise Agreement follows the Senate language.

REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS

Current Law

Section 2103 of title 38 authorizes VA to provide, without cost, model plans and specifications of suitable housing units to disabled veterans eligible for specially adapted housing under chapter 21 of title 38. Pursuant to this authority, the VA published, in April 1978, Pamphlet 26–13, ''Handbook for Design: Specially Adapted Housing.''

House Bill

Section 1 of H.R. 5664 would amend section 2103 of title 38 to direct the Secretary to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by VA.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 503 of the Compromise Agreement follows the House language.

ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS

Current Law

Under section 3703(a)(1)(A)(i)(IV) of title 38, the maximum VA home loan guaranty limit for most loans in excess of $144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Public Law 110–289 set this value at approximately $182,437 through the end of 2008. This means lenders making loans up to $729,750 will receive at least a 25 percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Section 3703(a)(1)(B) of title 38 limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means a regular refinance over $144,000 will result in a lender not receiving 25 percent backing from VA. In this situation, the lender is less likely to make the loan to the veteran. This situation essentially precludes a

veteran from being able to refinance his or her existing FHA or conventional loan into a VA guaranteed loan if the loan is greater than $144,000.

Under section 3710(b)(8) of title 38, VA is also precluded from refinancing a loan if the homeowner does not have at least ten percent equity in his or her home.

Senate Bill

Section 202 of S. 3023, as amended, would increase the maximum guaranty limit for refinance loans to the same level as conventional loans, which is 25 percent of the Freddie Mac conforming loan limit for single family home. It would also increase the percentage of an existing loan that VA will refinance under the VA home loan program from 90 percent to 95 percent.

House Bill

Section 302 of H.R. 6832 contains identical language as the Senate bill with respect to increasing the maximum guaranty limit for refinance loans. In addition, section 302 would increase the percentage of an existing loan that VA will refinance from 90 percent to 100 percent.

Compromise Agreement

Section 504 of the Compromise Agreement includes the language pertaining to the increase in the maximum guaranty limit for refinance loans that appears in both the House and the Senate bills and follows the House language with respect to the equity requirement.

EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS

Current Law

Section 3707 of title 38 authorizes VA to conduct a demonstration project that offers guaranties of adjustable rate mortgages (ARMs), loans with interest rates that change, and ''hybrid'' adjustable rate mortgages (hybrid ARMs), loans that carry a fixed rate of interest for an initial period followed by annual interest rate adjustments thereafter. VA currently has authority to continue these demonstration projects through the end of fiscal year 2008.

Senate Bill

Section 203(a) of S. 3023, as amended, would amend section 3707 of title 38 to extend VA's ARM and hybrid ARM programs through fiscal year 2012.

House Bill

Section 208 of H.R. 6832 contains identical language.

Compromise Agreement

Section 505 of the Compromise Agreement includes this language.

Title VI—Court Matters

TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Under current law, section 7253(a) of title 38, the United States Court of Appeals for Veterans Claims (CAVC) is limited to seven active judges.

Senate Bill

Section 401 of S. 3023, as amended, would temporarily increase the number of active judges on the CAVC from seven to nine, effective December 31, 2009. Effective January 1, 2013, no appointment could be made to Court if that appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in current law.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the Senate language. It is the Committees' expectation that the next Administration will begin vetting candidates for the additional judgeships as soon as practicable so that by the effective date of this provision, December 31, 2009, Congress might begin considering nominations to the Court.

PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS

Current Law

Current law, section 7268(a) of title 38, provides that ''all decisions of the Court of Appeals for Veterans Claims and all briefs, motions, documents, and exhibits received by the Court. . . shall be public records open to the inspection of the public.'' Section 7268(b)(1) provides that ''[t]he Court may make any provision which is necessary to prevent the disclosure of confidential information, including a provision that any such document or information be placed under seal to be opened only as directed by the Court.''

Senate Bill

Section 402 of S. 3023, as amended, would amend section 7268 of title 38, so as to require the Court to prescribe rules, in accordance with section 7264(a) of title 38, to protect privacy and security concerns relating to the filing of documents, and the public availability of such documents, that are retained by CAVC or filed electronically. The rules prescribed by the Court would be required to be consistent, to the extent practicable, with rules that address privacy and security issues throughout the Federal courts.

House Bill

The House Bills contain no comparable provisions.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate language.

RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Under section 7257 of title 38, retiring CAVC judges make an election whether to be recall eligible. If a judge chooses to be recall eligible, the Chief Judge of the CAVC has the authority to involuntarily recall that judge for up to 90 days per calendar year or, with the consent of the judge, to recall the judge for up to 180 days per calendar year. Under section 7296 of title 38, a recall-eligible retired judge receives annual pay equal to the annual salary of an active judge (pay-of-the-office) and that salary level is not impacted by how much recall service is performed during a year.

Senate Bill

Section 403 of S. 3023, as amended, would modify the authorities for the recall of retired judges and the retirement pay structure. This section would repeal the 180–day limit on how many days per calendar year a recall-eligible retired judge may voluntarily serve in recall status. In addition, for judges appointed on or after the date of enactment, it would create a three-tiered retirement pay structure. Specifically, pay-of-the-office would be reserved for judges who are actively serving, either as a judge of the Court or as a retired judge serving in recall status. When not serving in recall status, a recall-eligible retired judge would receive the rate of pay applicable to that judge as of the date the judge retired, as increased by periodic cost-of-living adjustments. A retired judge who is not recall eligible would receive the rate of pay applicable to that judge at the time of retirement. Finally, section 403 would exempt current and future recall-eligible retired judges from involuntary recall once they have served an aggregate of five years of recall service.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the Senate language.

ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Chapter 72 of title 38 establishes the organization, jurisdiction, and procedures governing the CAVC. That chapter does not require the Court to provide Congress with annual reports on its workload.

Senate Bill

Section 404 of S. 3023, as amended, would add a section to chapter 72 to establish an annual reporting requirement for the CAVC. The CAVC would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report summarizing the workload of the Court.

The information required to be in the report would include the number of appeals, petitions, and applications for fees under the Equal Access to Justice Act (EAJA) filed with the Court. It would also include the total number of dispositions by the Court as a whole, by the Clerk of the Court, by a single judge, by multi-judge panels, and by the full Court and the number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial. In addition, the required information would include the median time from filing an appeal to disposition by the Court as a whole, by the Clerk of the Court, by a single judge, or by multiple judges; the median time from the filing of a petition to disposition by the Court; the median time from filing an EAJA application to disposition by the Court; and the median time from completion of the briefing requirements by the parties to disposition by the Court. The report would also include the number of oral arguments held by the Court; the number of cases appealed to the United States Court of Appeals for the Federal Circuit; the number and status of appeals, petitions, and EAJA applications pending at the end of the fiscal year; the number of cases pending for more than 18 months at the end of the fiscal year; and a summary of any service performed by recalled retired judges during the fiscal year. In addition, the Court would be required to provide an assessment of the workload of each judge of the Court, including consideration of the time required of each judge for disposition of each type of case, the number of cases reviewed by the Court, and the average workload of other Federal judges.

House Bill

Section 201 of H.R. 5892, as amended, would add a section to chapter 72 to establish an annual reporting requirement for the CAVC. The CAVC would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report summarizing the workload of the Court. The information required to be reported would include the number of appeals filed; the number of petitions filed; the number EAJA applications filed; the number and type of dispositions; the median time from filing to disposition; the number of oral arguments; the number and status of pending appeals, petitions, and EAJA applications; a summary of any service performed by recalled retired judges; and the number of cases pending longer than 18 months.

Compromise Agreement

Section 604 of the Compromise Agreement follows the Senate language.

ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES

Current Law

Under section 7285 of title 38, the CAVC is authorized to impose a periodic registration fee on individuals admitted to practice before the Court. The maximum amount of any such fee is capped at $30 per year. That amount is significantly lower than other Federal courts generally charge. The Court is also authorized to impose a registration fee on the individuals participating in the Court's judicial conference.

Senate Bill

Section 502 of S. 1315, as amended, would strike the $30 cap on the amount of registration fees that may be charged to individuals admitted to practice before the Court. It also would clarify that any registration fee charged by the Court, either for those admitted to practice before the Court or those participating in the judicial conference, must be reasonable.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the Senate language.

Title VII—Assistance To United States Paralympic Integrated Adaptive Sports Program

DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ASSISTANCE TO UNITED STATES PARALYMPICS, INC. AND DEPARTMENT OF VETERANS AFFAIRS OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS

Current Law

Section 521 of title 38 authorizes the Secretary to assist certain organizations in providing recreational activities which would further the rehabilitation of disabled veterans.

House Bill

Section 3 of H.R. 4255, as amended, would authorize the Secretary to provide assistance to the Paralympic Program of the United States Olympic Committee (USOC).

Section 4 of H.R. 4255, as amended, would establish the Department of Veterans Affairs Office of National Veterans Sports Programs and Special Events.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Title VII of the Compromise Agreement generally follows the House language. It makes the authority to provide assistance to the Paralympic Program of the USOC a four-year pilot program instead of a permanent program and makes it clear that the agreement entered into is between VA and United States Paralympics, Inc. The Compromise Agreement makes it clear that the United States Paralympics, Inc., shall continue to seek private sponsorship and donors. It further provides for the Comptroller General of the United States to provide a report to the Congress after three years.

Title VIII—Others Matters

AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES

Current Law

In January 2008, VA disclosed that, in an attempt to collect debts owed to VA, the Department had contacted the estates of twenty-two servicemembers who died while serving in either Operation Enduring Freedom or Operation Iraqi Freedom. Under the relevant law in effect at that time, section 5302 of title 38, any veteran or active duty servicemember indebted to VA due to the overpayment or erroneous payment of benefits was able to apply for a waiver from VA so as to remove the obligation to pay the debt. However, under that law, VA was required to notify the beneficiary, or his or her estate if the beneficiary was deceased, when an outstanding debt arose and to provide information on the right to apply for a waiver.

In an attempt to address this situation, the Supplemental Appropriations Act, 2008, Public Law 110–252, included a provision that added a new section 5302A to title 38, which prohibits VA from collecting all or any part of a debt owed to VA by a servicemember or veteran who dies as the result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations in a war or in combat against a hostile force during a period of hostilities after September 11, 2001. The Secretary is required to determine that termination of collection is in the best interest of the United States.

Senate Bill

Section 601 of S. 3023, as amended, would amend section 3711 of title 31 so as to grant VA discretionary authority to suspend or terminate the collection of debts owed to it by individuals who die while serving on active duty in the Armed Forces. The authority to suspend collection would cover all individuals who die while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy.

Section 601 of S. 3023, as amended, also includes a freestanding provision that would permit VA to provide an equitable refund to any estate from which it collected a debt that it otherwise would have waived had this provision been in effect at the time. VA would have the discretion to determine in which cases, if any, the use of this authority would be appropriate.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 801 of the Compromise Agreement follows the Senate language.

THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION

Current Law

Section 6103(l)(7)(D)(viii) of title 26 authorizes the release of certain income information by the Internal Revenue Service (IRS) or the Social Security Administration (SSA) to VA for the purposes of verifying the incomes of applicants for VA needs-based benefits, including pensions for wartime veterans and compensation for Individual Unemployability. Section 5317(g) of title 38 provides VA with temporary authority to obtain and use this information in order to ensure that those receiving benefits under these income-programs are not earning a greater annual income than the law permits. This temporary authority will expire on September 30, 2008.

Senate Bill

Section 603 of S. 3023, as amended, would extend VA's authority to obtain income information from the IRS or the SSA until September 30, 2011.

House Bill

Section 206 of H.R. 6832 would extend VA's authority to obtain income verification from the IRS or the SSA until September 30, 2010.

Compromise Agreement

Section 802 of the Compromise Agreement follows the Senate language.

MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY

Current Law

Legislation enacted as section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109–364, authorized the Air Force to transfer custody of the data and biological specimens to the Medical Follow-Up Agency (MFUA). There is no provision in current law for the maintenance and management of the assets authorized to be transferred.

Senate Bill

Section 805 of S. 1315, as amended, would ensure that the assets from the Air Force Health Study (AFHS) transferred to the MFUA are maintained, managed and made available to researchers. In order to ensure that sufficient funds are made available for this purpose, funding in the amount of $1,200,000 would be made available from VA accounts available for Medical and Prosthetic Research in each fiscal year from 2008 through 2011. In addition, funding from the same source would be provided in the amount of $250,000 for each year to conduct additional research using the assets of the AFHS. Finally a report would be provided to the Congress by March 31, 2011, concerning the feasibility and advisability of conducting additional research using these assets or disposing of them.

In the late 1970's, Congress urged the DOD to conduct an epidemiologic study of veterans of ''Operation Ranch Hand,'' the military units responsible for aerial spraying of herbicides during the Vietnam War. In response, the AFHS was initiated in 1982 to examine the effects of herbicide exposure and health, mortality, and reproductive outcomes in veterans of Operation Ranch Hand. The study is noteworthy for the amount of data and biological specimens collected. It cost over $143 million and was concluded in 2006.

The Senate bill would require VA to provide funding during fiscal years 2008 through 2011 for the purposes recommended by IOM in the Disposition of the AFHS report.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate language.

NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST–9/11 GLOBAL OPERATIONS THEATERS

Current Law

Under current law, veterans gain eligibility for disability benefits by demonstrating a link between their disability and their active military, naval, or air service. To establish such a link, the veteran must show, generally, that his or her disability resulted from an injury or disease that was incurred or aggravated during the time of military service.

In addition to disabilities that can be directly linked to service, certain diagnosed diseases are presumed, as a matter of law, to be service-connected if they manifest under conditions specified by statute. For example, section 1112, title 38, provides a presumption for certain chronic diseases if manifested to a degree of disability of 10 percent or more within one year of separation from service, for certain tropical diseases if manifested to

a degree of disability of 10 percent or more, generally, within one year of separation from service, and for active tuberculosis or Hansen's disease if manifested to a degree of disability of 10 percent or more within three years of separation from service.

In 1962, Public Law 87–645 extended the period of time after separation from service that a diagnosis of multiple sclerosis may be presumed to be service-connected from three to seven years for veterans with wartime service.

Senate Bill

Section 806 of S. 1315, as amended, would require VA to enter into a contract with the IOM to conduct a comprehensive epidemiological study to identify any increased risk of developing multiple sclerosis, and other diagnosed neurological diseases, as a result of service in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters. The Southwest Asia theater of operations is defined in section 3.3317 of title 38, Code of Federal Regulations. The Post 9/11 Global Operations theater is defined as Afghanistan, Iraq, or any other theater for which the Global War on Terrorism Expeditionary Medal is awarded for service.

The mandated study would examine the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, and brain cancers, as well as central nervous abnormalities, in members of the Armed Forces who served during the Persian Gulf War period and Post–9/11 Global Operations period. The study would also collect information on possible risk factors, such as exposure to pesticides and other toxic substances. IOM would be required to submit a final report to VA and the appropriate committees of Congress by December 31, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement generally follows the Senate language.

TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR CERTAIN SERVICEMEMBERS

Current Law

The Servicemembers Civil Relief Act (SCRA), currently found in the appendix to title 50, beginning at section 501, is intended to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service. Title III of the SCRA extends the right to terminate real property leases to active duty servicemembers on deployment orders of at least 90 days. It also allows for the termination of automobile leases for use by servicemembers and their dependents on military orders outside the continental United States for a period of 180 days or more.

Senate Bill

Section 804 of S. 1315, as amended, would expand the SCRA to allow for the termination or suspension, upon request, of the cellular telephone contracts of servicemembers deployed outside the United States.

House Bill

Section 4 of H.R. 6225, as amended, would extend the SCRA protections to enable servicemembers with deployment orders to terminate or suspend service contracts without fee or penalty for such services as cellular phones, utilities, cable television, or internet access.

Compromise Agreement

Section 805 of the Compromise Agreement generally follows the Senate language, except that it also includes a provision allowing servicemembers to suspend or terminate cellular phone contracts if they receive orders for a permanent change of duty station.

CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNS

Current Law

Section 502 and 503 of Public Law 109–461, the Veterans Benefits, Health Care, and Information Technology Act of 2006, require VA to provide certain contracting preferences to small businesses owned by veterans and service-disabled veterans.

House Bill

Section 2 of H.R. 6221, as amended, would amend section 8127 of title 38 to require the Secretary to include in each contract the Secretary enters with an agent acting on VA's behalf for the acquisition of goods and services a provision that requires the agent to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans set forth in sections 502 and 503 of Public Law 109–461.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the House language except that it would apply, to the maximum extent feasible, only to contracts entered into after December 31, 2008.

PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT

Current Law

The SCRA provides that penalties under title 18 may be imposed against anyone who knowingly takes part in or attempts to violate certain applicable protections.

House Bill

Section 5 of H.R. 6225 would amend section 207 of the SCRA by placing a fine of $5,000 and $10,000 on any individual or organization, respectively, who knowingly violates certain SCRA rights of a servicemember. It would further provide for attorney fees and treble damages in certain cases.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the House language to add penalties in section 207 of the SCRA.

FIVE-YEAR EXTENSION OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS

Current Law

Section 544 of title 38 required the Secretary to establish an Advisory Committee on Minority Veterans. Under section 544(e) of title 38, the Committee will cease to exist on December 31, 2009.

House Bill

Section 1 of H.R. 674 would repeal the sunset date on the Advisory Committee on Minority Veterans.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 808 of the Compromise Agreement would extend the sunset date on the Advisory Committee on Minority Veterans for five years from the current date of expiration, until December 31, 2014.

AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY

Current Law

The Anti-Deficiency Act, section 1341 of title 5, prohibits the use of appropriated funds for publicity or propaganda purposes. Section 404 of Public Law 110–161, the Consolidated Appropriations Act of 2008, reinforced this prohibition stating:

No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

Although executive branch departments and agencies are prohibited from using appropriated funds to engage in ''publicity or propaganda,'' there is no such prohibition against disseminating information about current benefits, policies, and activities. Military recruiting advertising campaigns are a primary example of an acceptable use of appropriated funds.

House Bill

Section 2 of H.R. 3681 would add a new section 532 to title 38 authorizing the Secretary to advertise in national media to promote awareness of benefits under laws administered by the Secretary.

Senate Bill

The Senate Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the House language.

MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS

Current Law

Section 2306(b)(4)(B) of title 38 authorizes VA to furnish an appropriate memorial headstone or marker to commemorate eligible individuals whose remains are unavailable. Individuals currently eligible for memorial headstones or markers include a veteran's surviving spouse, which is defined to include ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.'' Thus, a surviving spouse who remarried after the veteran's death is not eligible for a memorial headstone or marker unless the remarriage was terminated by death or divorce before the surviving spouse died. However, a surviving spouse who remarried after the veteran's death is eligible for burial in a VA national cemetery without regard to whether any subsequent remarriage ended.

Senate Bill

Section 602 of S. 3023, as amended, would extend eligibility for memorial headstones or markers to a deceased veteran's remarried surviving spouse, without regard to whether any subsequent remarriage ended.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 810 of the Compromise Agreement follows the Senate language.

OBJECTION TO DISCHARGE

Mr. GRASSLEY. Mr. President, as the ranking Republican of the Finance

Committee acting on behalf of a number of Republicans on the Finance Committee, I am objecting to discharging S. 3656 from the committee. While there are several provisions in the bill I personally strongly support, there are many problems in this bill and questions that have been raised about this bill. In addition, this bill has not come before the committee and the issues it addresses have not had the benefit of hearings or any committee action. As a result, I cannot support this bill being discharged from the committee at this time.

One of the provisions in S. 3656 that I personally support would delay implementing provisions of a CMS proposed rule that would change conditions of participation for rural health clinics and decertify clinics that are no longer in nonurbanized areas. The provision would also delay the proposed changes to the existing payment methodology for rural health clinics and Federally qualified health centers.

The CMS proposed rule would impose new location requirements for RHCs and require that clinics be located in a nonurbanized area, as defined by the U.S. Census Bureau, as well as meet shortage area designation requirements. Only new RHCs applying for the program are currently required to meet these criteria, but the CMS proposal would extend these requirements to already certified RHCs. According to CMS, about 500 of the approximately 3,700 RHCs operating today may not meet these requirements. Rural clinics in Iowa and elsewhere could also be severely impacted by the CMS proposed payment changes since RHC costs in Iowa and other States are already higher than the existing Medicare reimbursement cap.

Iowa is currently in the throes of a growing shortage of physicians, especially in the more rural areas of the State, due to inequitable geographic adjustments in physician payment that result in Iowa physicians receiving some of the lowest Medicare payments in the country even though they provide some of the highest quality care. These geographic payment disparities, which discriminate against rural areas, have further exacerbated the problems of access to care for beneficiaries in rural areas.

The CMS proposed rule could have a severe adverse impact on a number of rural health clinics in Iowa, including many located in counties that have been declared disaster areas from the severe flooding Iowa suffered earlier this year. If the CMS rule is finalized as proposed, rural health clinics in Iowa and elsewhere may be forced to close their doors, even though they have served rural populations very well for many years, leaving Iowa with fewer physicians and some patients with little access to primary care and other critical medical services.

As you can see, these provisions for rural health centers are important, which makes it all the more disappointing that my friends on the other side of the aisle did not work together with us to develop a bipartisan bill and that the committee is not in a position at this time to consider these important issues properly. I am very pleased, however, that a key issue for rural health centers in the proposal has already been addressed through a provision that was included in the Health Care Safety Net Act. That provision changes the CMS certification period for shortage area designations from 3 to 4 years in order to align the CMS certification period for shortage area designations with the Health Resources and Services Administration's, HRSA's, designation review period. I want to thank Senators ORRIN HATCH, PAT ROBERTS, GORDON SMITH, TOM HARKIN, RON WYDEN, KENT CONRAD, and JOHN BARASSO for championing the resolution of this important issue and Senator MAX BAUCUS for working together with me to facilitate its inclusion in the Health Care Safety Net Act. And, of course, I want to again thank Senators KENNEDY and ENZI for working with us on this issue. Thanks to this bipartisan collaborative effort, that bill with the RHC provision in it has now passed both Chambers and is on its way to being signed into law.

Another provision in S. 3656 would prevent the application of a CMS policy to phase out a payment adjustment for indirect medical education, IME, under the Medicare capital Inpatient Prospective Payment System, IPPS. Currently, teaching hospitals receive this upward payment adjustment under the capital IPPS. CMS announced in the fiscal year 2008 Medicare Hospital IPPS final rule that they would begin to phase out the IME adjustment for capital IPPS in fiscal year 2009.

As the former chair and currently the ranking member of the Senate Finance Committee, it has long been one of my priorities to ensure Medicare payments are both accurate and equitable. I question whether this proposed change to IME payments would further this goal, which many of us share.

The appropriateness of the IME capital IPPS adjustment has been analyzed extensively not only by CMS, but also by the Medicare Payment Advisory Commission, MedPAC, which advises Congress on Medicare payment issues. CMS has documented relatively high and continued positive margins for teaching hospitals under the capital IPPS compared to nonteaching hospitals. In fact, from 1998 through 2006, teaching hospitals had an aggregate positive capital IPPS margin of 11.2 percent while nonteaching hospitals had an aggregate capital IPPS margin of −0.8 percent. Based on those figures, it leaves open the question of whether the proposed change to IME payments is not justified. Certainly this is something the Finance Committee should explore further.

S. 3656 also proposes to establish a moratorium on a CMS rule regarding Medicaid payments for hospital outpatient services. Earlier this year, Congress placed moratoriums on 6 other proposed Medicaid regulations. Just as I opposed those moratoriums, I strongly oppose this one as well. The Finance Committee has not held the first hearing as to why a delay in this regulation is justified. The Finance Committee has not considered whether payments currently being made by some states to hospitals for outpatient services are being made consistent with the statutory rules governing the upper payment limit. The CMS regulation in question was intended to clarify what payments from States to hospitals are allowable. We should not simply place a moratorium on this regulation without the committee properly investigating the issue first. Medicaid is a critical program for children, pregnant women, the disabled, and the elderly. We have a responsibility to the people who depend on the program to make sure that funds are being appropriately spent. Placing a moratorium on these regulations without fully exploring these issues in the committee first is not consistent with that responsibility.

This bill also would intervene in a dispute between CMS and the State of California. The State of California has been seeking approval of an extension of their family planning waiver for 6 years. For 6 years, CMS has been urging California to improve their collection of Social Security numbers and citizenship documentation for women enrolled in the program. Given the concerns that have been raised about noncitizens receiving benefits to which they are not entitled, this provision raises a number of serious concerns. This bill would essentially require CMS to approve of the extension of California's waiver without requiring California to fulfill their obligation to improve their process of ensuring that people who receive benefits are actually eligible for those benefits.

In addition, this bill does nothing to assist ''tweener hospitals,'' which are hospitals that are too large to be critical access hospitals but too small to be financially viable under Medicare's prospective payment systems. I consider this to be a high priority because so many seniors in Iowa rely on these tweener hospitals for vitally needed health care services in rural areas of our State. If the Senate is going to consider Medicare legislation that is along the size and scope of the provisions proposed in S. 3656, including provisions to address the problems tweener hospitals face is a must.

I understand that legislation is often the art of compromise. We can't always get everything we want in every bill and keep everything we dislike out. It is a balance. This bill is currently pending before the Finance Committee, and it raises significant issues of Medicare and Medicaid payment policies. The Finance Committee has not held hearings on these issues nor has it given these important issues proper consideration. Without allowing the

committee process to work, this bill has not been subject to the rigorous analysis and debate that the legislative process should require to avoid unintended consequences and poor decision-making. This process should be permitted to take place before legislation of this magnitude is sent to the full Senate. That is the committee's role and it is an important one.

If the full Senate were to routinely bypass the Finance Committee and consider major Medicare bills like this one that have not been processed by the members of the committee, then nothing would prevent the Senate from legislating on other Medicare and Medicaid issues without the benefit of hearings or committee action. Occasionally, the committee does process extensions of current law and smaller, generally technical bills through a more informal committee process, but it is a committee process nonetheless. If the committee is routinely bypassed entirely and not allowed to perform its vital role in the legislative process, it would be almost impossible to cope with the number and assortment of Medicare, Medicaid, and other issues that would come directly to the Senate floor in bills like S. 3656. To avoid that result is why the Senate has committees in the first place.

Just an initial review of this legislation today produces more questions than answers and many obvious and serious concerns. It is disappointing that some of the important provisions in this bill, like the rural health center provisions and IME policy, are packaged into a bill that has not been presented in a timely way or brought before the committee for appropriate consideration, debate, and amendment. Just a quick review of this bill today quickly reveals, in any case, that both in terms of process and policy, this bill does not sufficiently achieve a balance I think is necessary, and I must, on behalf of myself and other members of the committee, object to discharging S. 3656 from committee for consideration by the full Senate.

NUCLEAR POWER

Ms. MURKOWSKI. Mr. President, I don't want to repeat what has already been said by Senator VOINOVICH recently, but I do want to explain why I am cosponsoring legislation designed to tackle in a comprehensive way the biggest issue still outstanding in our efforts to revitalize nuclear power for this Nation, that being how we handle the waste.

I also want to talk about the retirement of the ranking member of the Senate Energy Committee, Senator PETE DOMENICI, who I will so deeply miss in the future.

Concerning the nuclear bill, I am cosponsoring the U.S. Nuclear Fuel Management Corporation Establishment Act that has been crafted by Senator VOINOVICH, with Senator SESSIONS and a number of other Senators, and I have already cosponsored the SMART Act, which was crafted by the ranking member of the Energy Committee, Senator DOMENICI, and cosponsored by Senator SESSIONS and others, since the two bills work together to set up the policy and the management structure to improve how we handle the waste that nuclear powerplants generate.

While it is obviously too late in this session of Congress for either bill to advance, I want to say that I am certainly intending to help reintroduce both bills next year and in working next session to merge them into a comprehensive plan to recycle and then properly store the remaining waste that results from nuclear power production.

I am interested in working on these bills because I care about reducing greenhouse gases. And nuclear power is the best proven technology to produce power for this country without producing any carbon emissions. For anyone serious about tackling carbon emissions, finding a way to grow the next generation of nuclear power is vital.

Today nuclear energy provides about 20 percent of the Nation's electricity. As Senator VOINOVICH may have mentioned those 104 operating powerplants save America from producing about 681 million metric tons a year of carbon dioxide. If we are going to deal with global warming, we must find a way not just to keep nuclear power going, but also growing to help meet this Nation's growing thirst for electricity.

I was in France in late June and toured the French nuclear waste recycling facilities at LaHague. Recycling allows you to gain twice as much nuclear power from a given amount of uranium ore. More importantly, it cuts substantially the amount and the half-life, and in some cases, the toxicity of the waste that you later have to store. That is important for the environment.

In these two bills, the Nuclear Fuel Management Corp. will set up a Government corporation to take authority to manage spent nuclear fuel and provide both interim storage, the development of geologic repositories, such as the Yucca Mountain facility currently under consideration, and also to handle the construction and operation of any reprocessing and fuel fabrication facilities.

The SMART bill is designed to further the process of siting and advancing the construction of up to two reprocessing plants, since it would help to encourage cities in this country to welcome such plants. These bills, perhaps pared with one introduced last year to remove some potential regulatory hurdles to construction and opening of a Yucca Mountain repository, would effectively amount to a comprehensive solution to the waste issue. They would be the final pieces to the puzzle. That is the case because of the efforts of Senator PETE DOMENICI.

PETE DOMENICI

Ms. MURKOWSKI. Mr. President, at the risk of embarrassing him, I want to take a moment to say how vital Senator DOMENICI has been in solving most of the nuclear puzzle. He really led the rebirth of the nuclear industry and I want to say how much I will miss him since he has been a prime mover in the effort to bring about a new nuclear age in this country.

As most of you know Senator DOMENICI has served 36 years in the Senate. But some of you may not know that he gave up a promising career in baseball to become a public servant. He started playing when he was 10, eventually pitching for a minor league team called the Albuquerque Dukes. But he left baseball to become a math and science teacher at Garfield Junior High in his native State of New Mexico, later went onto law school and ran for the U.S. Senate in 1972. And he's been here ever since.

About a dozen years ago the Senator realized that this Nation desperately needed a new source of electricity. He realized that there are higher uses for high-priced natural gas than to burn it for power generation, and that until carbon capture and storage can be perfected and widely practiced that the expansion of coal-fired power might have environmental drawbacks. So he crafted the forerunner of policies that today make up the Nuclear Power 2010 program, which is designed to have the Government partner with industry to approve the design and speed the licensing of the next generation of power plants that absolutely preclude the type of radiation accident that happened three decades ago at Three Mile Island.

He has been the sponsor of the loan guarantees, the architect of reauthorizing a responsible liability program and the person most responsible for harnessing the research capacities of America to breathe life into the research and nuclear construction sectors. One news outlet called him ''the nuclear renaissance man.'' And he is recognized by all as the driving force behind the industry's resurgence.

But he has done so much more. His work on the Energy Policy Act of 2005 and on last year's Energy Independence and Security Act were landmarks in bipartisan legislating. He helped renewable and alternative energy, from wind and solar to biomass, and especially biofuels to develop, helping create Clean Renewable Energy Bonds to pay for the construction of renewable energy plants. During the bills he refereed more policy disputes and generated more compromises than I have time to mention.

But he also was the sponsor of so much other landmark legislation during his storied career. One bill finally passed the Senate earlier this week to require parity for mental health treatment benefits. As Senate budget chairman, he helped set up the Nation's budgeting system, which was still

working well when he assumed the chairmanship of the Energy Committee in 2003.

PETE DOMENICI's legacy has inspired so many of us and his retirement will leave some pretty big shoes for us all to fill. I will miss the Senator's smile, as well as his lighthearted and joyful presence. He is known as a man, who is firm in his convictions, but gracious in his negotiations. He is an example of a true statesman who has served his country well.

I will truly miss him. I could say a lot more, but I clearly am out of time.

GULF COAST HOSPITAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, as I mentioned earlier this week, I have serious concerns about the way the appropriations process was handled this year. One of my greatest concerns was the removal from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of $350 million to aid Mississippi and Louisiana hospitals with problems they continue to face from the devastation of Hurricane Katrina. This funding was extremely important to these hospitals to be able to retain the workforce needed to address the health concerns of the area. I was pleased, however, to learn that the majority had increased the amount of funding available under the Social Service block grant program specifically for this purpose. It is my understanding that the House Appropriations Committee included an additional $288 million under the program to help assist these hospitals. It is my hope that when the Department of Health and Human Services awards these funds that they consider this intent.

TAX TREATMENT OF EMPLOYER-PROVIDED CELL PHONES

Mr. KERRY. Mr. President, Senator ENSIGN and I would like to engage in a brief colloquy with the distinguished chairman and ranking member of the Finance Committee, Senators BAUCUS and GRASSLEY, regarding legislation we have sponsored to fix an archaic provision in the Tax Code that adversely affects employees and businesses across the country. Under a little-noticed provision added in 1989, cell phones, blackberries, and similar devices are treated as ''listed property.'' As a result, employees must keep detailed records of all calls made on their employer-issued cell phones—indicating whether they are personal or business-related—or have the value of the phone and phone service included as taxable income.

The current law provision was added at a time when cell phones were considered a luxury item. Now, they are a common and necessary part of conducting everyday business. Imposing strict substantiation requirements on the business use of cell phones and blackberries is burdensome and highly impractical given their frequent use in a fast-paced global environment. To protect tens of thousands of employees and their employers from potential audits and tax liability, we should pass legislation as soon as possible next year to fix this problem.

Mr. ENSIGN. I want to join my distinguished colleague from Massachusetts and express my hope that legislation can be passed early next year to fix the out-dated tax treatment of employer-provided cell phones. The bill he and I have introduced has broad bipartisan support with over 60 cosponsors. Similar legislation has already passed the House. And both Treasury and the IRS are supportive of the fix. Thus, Senator KERRY and I would like to ask the distinguished chairman and ranking member of the Finance Committee, for their help in passing this legislation early next year.

Mr. BAUCUS. I want to thank my distinguished colleagues from Massachusetts and Nevada for raising this issue with us. I want to assure them that we are aware of this problem and we will work with our colleagues to consider legislation to eliminate the burden for employees and employers as early as possible.

Mr. GRASSLEY. I also want to join the chairman and express my intent to have the committee consider legislation that addresses this problem as soon as we can. We should not be imposing unreasonable rules on employees' use of cell phones and blackberries.

Mr. KERRY. Senator ENSIGN and I want to thank the distinguished chairman and ranking member of the Finance Committee for their willingness to work with us to address this important problem.

OFFSHORE TAX HAVENS

Mr. LEVIN. Mr. President, I will ask to have printed in the RECORD a timely opinion piece that was written by Mr. Robert M. Morgenthau, the District Attorney of the County of New York, and appeared in the Wall Street Journal on Tuesday, September 30. Since the 1960s, Mr. Morgenthau has been a leader in the fight against the abuse of offshore havens for fraud, money laundering, tax evasion and a host of other illicit activities.

As Congress votes on a plan to restore the soundness and credibility of our financial system, Mr. Morgenthau's column correctly reminds us of a factor that contributed significantly to this financial crisis—the activities of financial institutions that have hidden away trillions of dollars in offshore tax havens and that claim to be domiciled in those offshore havens, when all of their key personnel and operations are here in the United States. Mr. Morgenthau points out that this charade places these trillions of dollars, and the activities of the entities that control them, outside the oversight and supervisory control of the U.S. financial regulatory system. As the hearings held by the Permanent Subcommittee on Investigations, which I chair, have demonstrated, this charade is also a breeding ground for tax abuse, draining our system of billions of dollars in needed tax revenues.

In his article, Mr. Morgenthau reminds us that the supervisory and safety mechanisms that have been established to protect our citizens and their savings are dependent on transparency and strong regulatory vigilance. So is our tax system. When funds are hidden in offshore jurisdictions that promote secrecy and weak regulatory standards, and the funds are controlled by entities that claim they are not subject to our regulatory system, the safety net that we have established cannot function to provide our citizens the security it was designed to offer.

While we have voted on a plan to alleviate the current crisis, we have a lot more work to do to rectify the root causes of this problem. As Mr. Morgenthau points out, the abuse of offshore jurisdictions by financial institutions must be high on that agenda, and I look forward to addressing this matter in the next Congress.

Mr. President, I ask unanimous consent to have the opinion piece to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 30, 2008]

TOO MUCH MONEY IS BEYOND LEGAL REACH'

(By Robert M. Morgenthau)

A major factor in the current financial crisis is the lack of transparency in the activities of the principal players in the financial markets. This opaqueness is compounded by vast sums of money that lie outside the jurisdiction of U.S. regulators and other supervisory authorities.

The $700 billion in Treasury Secretary Henry Paulson's current proposed rescue plan pales in comparison to the volume of dollars that now escape the watchful eye, not only of U.S. regulators, but from the media and the general public as well.

There is $1.9 trillion, almost all of it run out of the New York metropolitan area, that sits in the Cayman Islands, a secrecy jurisdiction. Another $1.5 trillion is lodged in four other secrecy jurisdictions.

Following the Great Depression, we bragged about a newly installed safety net that was suppose to save us from such a hard economic fall in the future. However, the Securities and Exchange Commission, the Federal Reserve System, the Comptroller of the Currency and others have ignored trillions of dollars that have migrated to offshore jurisdictions that are secretive in nature and outside the safety net—beyond the reach of U.S. regulators.

We should have learned a long time ago that totally unsupervised markets, whether trading in tulips or subprime mortgages, will sooner rather than later get into trouble. We don't have to look back very far in history to understand this.

Long Term Capital Management, a hedge fund ''based'' in Greenwich, Conn., but composed of eight partnerships chartered in the Caymans, was supposed to be the wunderkind of the financial world. At its peak in the late 1990s, its gross holdings were valued

at $1.8 trillion. But, regrettably, its liabilities exceeded its assets and the Federal Reserve Bank of New York had to step in and rescue it when the value of its assets plummeted.

Most recently, two Bear Stearns hedge funds, based in the Cayman Islands, but run out of New York, collapsed without any warning to its investors. Because of the location of these financial institutions—in a secrecy jurisdiction, outside the U.S. safety net of appropriate supervision—their desperate financial condition went undetected until it was too late.

Of course, BCCI Overseas, which was part of the then largest bankruptcy in history, was also ''chartered'' in the Caymans.

We have to learn from our mistakes. Any significant infusion to the financial system must carry assurances that it will not add to the pool of money beyond the safety net and supervisory authority of the United States. Moreover, the trillions of dollars currently offshore and invested in funds that could impact the American economy must be brought under appropriate supervision.

If Congress and Treasury fail to bring under U.S. supervisory authority the financial institutions and transactions in secrecy jurisdictions, there will be no transparency with the inevitable consequences of the lack of transparency—namely, a repeat of the unbridled greed and recklessness that we now face. Because of the monolithic character of world financial markets, a default crisis anywhere becomes a default crisis everywhere.

HONORING OUR ARMED FORCES

Mr. DODD. Mr. President, I rise with great sadness and a heavy heart to remember a young man and a great American. Army 1LT Thomas Brown, a native of Shelton, CT, was killed in action in Iraq a few days ago—the 41st citizen of my State to lose his life in the Iraq or Afghanistan wars. He was 26 years of age.

We honor the sacrifice of all our men and women who give their lives serving this country. But it is never easy to lose someone so young—especially someone for whom life so clearly had much more in store.

As a teenager, Lieutenant Brown attended Notre Dame Catholic High School in Fairport, where it has been said he was all but inseparable from his twin brother, Timothy. He was an honor student and an athlete.

He would graduate from George Mason University in 2004, and like so many young people, he was eager to serve his country—to give something back. He attended Ranger school, Airborne school and officer candidate school.

This young man would go on to serve in the Army's 2nd Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team of the 1st Armored Division. There, I understand, Lieutenant Brown earned great respect and admiration from his fellow soldiers.

Lieutenant Brown was known among his comrades as an officer who led by example, not by order, and was immensely proud to serve his country in the U.S. Army. He was also known for his passionate love of the Boston Red Sox, and for his truly generous spirit.

In recognition of his heroic service and sacrifice, Thomas Brown was posthumously awarded the Bronze Star Medal and the Purple Heart.

One of the saddest facts in this young soldier's passing is that he was due to take leave and return home in 3 short weeks to visit his friends, family and girlfriend. He wanted nothing more than the chance to visit home.

Timothy Brown said recently of his brother: ''He wanted to make a difference.''

Let the record show that 1LT Thomas J. Brown, in his 26 short years on this Earth, did make a difference—and that we are forever grateful for the remarkable contributions he made to the country he did so love.

U.S.-INDIA NUCLEAR COOPERATION AGREEMENT

Mr. CASEY. Mr. President, I want to convey some brief remarks regarding my views on the United States-India civil nuclear cooperation agreement. I cast a ''yes'' vote on this agreement, but not without some serious reservations regarding the likely damage this agreement will do to the global nuclear nonproliferation regime.

I had the opportunity to visit India earlier this year, spending a day meeting senior government leaders in New Delhi and another day in Hyderabad, where I witnessed first hand the dynamic entrepreneurism that has recently transformed India into an economic powerhouse, albeit with still extreme poverty. Let me be clear: The United States and India, sharing a common commitment to democracy and personal freedoms, are natural allies. I congratulate President Bush for building upon the initial steps taken by his predecessor, President Clinton, in nurturing closer ties between our two great nations and laying the building blocks for an enduring strategic partnership.

India's exclusion from global trade in civil nuclear energy, a direct consequence of its 1974 nuclear weapons test utilizing equipment and materials imported for a civilian energy program, represented a continuing thorn to an otherwise blossoming United States-Indian relationship. Right or wrong, it was always the United States that was viewed as the leading advocate of the firewall between India and global nuclear trade—even though India never signed the Nuclear Non-Proliferation Treaty, NPT. So I understand why a resolution to this issue was necessary if the United States and India were to achieve a genuine partnership that could endure in coming decades.

My strongest criticism of the United States-India nuclear cooperation agreement is that, in exchange for a historic exception to the principle that those states that refuse to abide by the Nuclear Non-Proliferation Treaty cannot enjoy the fruits of global civilian nuclear trade, the United States did not ask enough in return from the Indian Government. We could have pressed New Delhi to sign the Comprehensive Test Ban Treaty and forswear all future nuclear weapons tests. But we did not. We could have urged New Delhi to agree to a national moratorium on production of nuclear fissile material, linking that moratorium to a similar pledge by Pakistan. But we did not.

I worry over the message this agreement sends to states like North Korea and Iran. Are their leaders to believe that, with the passage of time, one day the international community will also accept their nuclear weapons programs as a de facto reality and move to accommodate such programs? How do we convince the international community to demonstrate solidarity against Iran's violations of the NPT while giving a pass to India's refusal to abide by this very same treaty? Of course I am not equating the two states—India is a democratic regime, a friend of the United States, and a force for stability in the world. There is no comparison. But I am concerned when we begin to divide the world into ''good'' proliferators and ''bad'' proliferators—instead, we need to send the message that all nuclear proliferation harms our security and increases the odds that a nuclear weapon will one day be used and kill millions.

Nevertheless, at every step of the process over the last 3 years, administration officials often appeared excessively sensitive to the need to smooth over domestic political concerns in India while downplaying concerns expressed by nonproliferation experts. So I congratulate Chairman BIDEN and Ranking Member LUGAR for their persistence in ensuring this final agreement is a real improvement over initial administration proposals. The legislation before us clarifies some of the deliberate ambiguities contained within the Article 123 United States-India agreement and the international exemption for India provided by the Nuclear Suppliers Group.

The United States-India civil nuclear initiative is a flawed agreement. Nonetheless, I am casting a ''yes'' vote for this legislation for two primary reasons. First, in many respects, the damage to the global non-proliferation regime has already been done. The decision taken last month by the Nuclear Suppliers Group to provide a universal exemption to permit India to participate in civil nuclear trade means that, even if the United States Congress were to reject this agreement, other nations like Russia and France are free to initiate their own civilian agreements with India. The net result of a United States rejection would likely only ensure that United States companies—and United States workers—will be unable to participate in the fruits of civilian nuclear trade with India.

Second, a ''no'' vote on this agreement will be unfairly construed as a rejection of a broader strategic alliance between the United States and India. Through his rhetoric and actions,

President Bush unwisely has transformed this nuclear cooperation agreement into the centerpiece of our bilateral relationship with New Delhi. In doing so, he has ignored the broad range of areas on which the United States and India can and should cooperate—ranging from science and technology to economic and business partnerships. In the security realm, our two nations should be doing more together on counterterrorism, especially in the wake of the devastating attacks in India over the past year.

I strongly believe in the promise of the future partnership between our two great nations. I am voting in favor of this agreement, despite its serious nonproliferation flaws, because I do not want to jeopardize that emerging alliance that can bring so many benefits to both of our peoples.

Mr. REED. Mr. President, I would like to take a few moments to discuss my vote against the India Nuclear Agreement.

In 2006, I voted in favor of the Henry J. Hyde United States and India Nuclear Cooperation Promotion Act, primarily because of the safeguards included in the act that would ensure that assistance to Indian's civilian nuclear program to meet its domestic energy needs, would not assist the Indian nuclear weapons program. Unfortunately, I do not believe that the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act that we voted on last night has the full scope of necessary protections.

India is the largest democracy in the world. Its economy is growing by 8 percent annually. Their domestic energy needs are enormous and they simply do not have enough indigenous resources to meet them. India is an important ally and our nation has benefitted from a strong trade and defense relationship for decades. Furthermore, my State of Rhode Island has prospered because of a vibrant Indian community. I believe that the United States should do all that it can to assist India and further strengthen the partnership between the two countries.

However, our country's relationship with India must be balanced with concerns about nuclear proliferation and the stability of the Middle East and Asia.

I believe that proliferation of nuclear weapons and weapons material and technology is the greatest threat facing our country today. The most effective method of controlling such proliferation is a multilateral regime where all countries are subject to the same standards.

The agreement that was approved by the Senate last night establishes a separate and unique regime for India. This particular agreement would allow India to be treated like a nuclear weapons state but not impose upon India the responsibilities and commitments placed on other nuclear weapons states. As such I believe that this particular agreement is flawed. This agreement has the potential to actually weaken the carefully constructed, long-standing nuclear nonproliferation regime that the world depends on to prevent the spread of nuclear weapons.

This agreement does provide some benefits. Under this agreement India will put 14 of its nuclear reactors under safeguards agreements with the International Atomic Energy Agency, the IAEA. This will help to ensure that these reactors and the fuel supplied to them will be used only for the peaceful production of nuclear poser. In addition the IAEA will bring its expertise to help to improve the operational safety of the reactors.

On the other hand the rest of India's nuclear reactors will not come under the IAEA and these reactors can be used as India wishes to produce power or to produce more material for nuclear weapons. But it is troublesome to me that India retains the right to deny IAEA access to some or all of the reactors that it has now agreed will come under IAEA agreements.

While this agreement will help India with its energy needs, India is also now free to use its limited indigenous uranium for to support a build up of its nuclear weapons stockpile. India has specifically preserved its ability to increase the number of nuclear weapons in its arsenal, its ability to increase the amount of nuclear weapons materials that it produces and its right to conduct a test of a nuclear weapon.

While India has a voluntary moratorium on testing, India still refuses to sign the Comprehensive Test Ban Treaty and to support a fissile material cutoff treaty. Finally, I am greatly concerned about the effect this agreement will have on the region, particularly the reaction of Pakistan. Pakistan will undoubtedly seek a similar agreement if it perceives an increased threat from India. Pakistan may seek to partner with China—and the United States would have few grounds to protest. In such a case, Pakistan will have additional access to nuclear technology.

While I believe that the United States should help India with its urgent energy needs, I believe we missed an opportunity to provide assistance with adequate and necessary safeguards in place. For these reasons, I reluctantly decided to vote against this agreement. It is my hope that the United States and India continue to work together to make the world safer from nuclear proliferation.

IN MEMORIAM: PAUL NEWMAN

Mrs. BOXER. Mr. President, I am honored to remember a great American icon who was a renowned actor, activist, and philanthropist—Paul Newman, who passed away on September 26, 2008, at the age of 83.

Paul's movie career spanned five decades, acting in over 65 films. He captivated all of America with his natural on-screen talent and his off-screen ability to give to others. He was more than an incredibly gifted, Academy Award-winning actor; his zeal for life was evident through his remarkable charitable work and favorite pastimes.

Paul Leonard Newman was born in Shaker Heights, OH, on January 26, 1925, to Arthur and Theresa Newman. Though he hoped to be a professional athlete, his gift for the performing arts showed early as he acted in grade school and high school plays. After high school he served in the U.S. Navy Air Corps and eventually went on to study theatre at prestigious institutions such as the Yale School of Drama and the famous Actor's Studio in New York.

In the 1950s his acting career began in theatre and television. He moved to films and was eventually nominated for 10 Oscars—winning Best Actor for ''The Color of Money'' and also two honorary Oscars. He played many major roles in classic American films such as ''Exodus,'' ''Hud,'' ''Butch Cassidy and the Sundance Kid,'' ''The Verdict,'' ''The Sting,'' and ''Absence of Malice.'' His legendary performances will forever entertain and captivate the American imagination.

Paul was not only an iconic actor, but he also fervently cared about our Nation. He opposed the Vietnam war and ardently favored civil rights and equality. In addition he was a world-class race car driver, and a flourishing nonprofit entrepreneur. He founded the popular Newman's Own line of food products 25 years ago, and 100 percent of its profits are donated to charities around the world. Among those charities are the Hole in the Wall Camps that Paul helped to create over 20 years ago. These camps allow for a carefree experience for children with illnesses. Newman's Own has raised $250 million so far.

When his son, Scott, tragically passed away, Paul established the Scott Newman Center in 1980 to prevent drug abuse through educating children. He also helped to cofound the Committee Encouraging Corporate Philanthropy, a consortium of global CEOs in support of corporate giving. Paul Newman lived his life by giving to others and encouraging others to give.

He is survived by his wonderful wife of 50 years, award-winning actress Joanne Woodward; five daughters, Susan, Stephanie, Melissa, Nell, and Clea; two grandchildren; and his brother Arthur. I send my deepest condolences to them.

Our Nation lost an amazing talent and humanitarian with the passing of Paul Newman, but his legacy to the State of California and to all of America will live on.

GAO SLOT AUCTION RULING

Mrs. MURRAY. Mr. President, as chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related

Agencies, I rise with my ranking member, Senator BOND, as well as the bipartisan leadership of the Senate Commerce Committee, to address an important issue pertaining to the Federal Aviation Administration, FAA. That issue is the agency's plans to engage in the practice of auctioning off landing and takeoff slots at slot-controlled airports.

Controversial aviation issues do not always garner immediate agreement on the part of all committee and subcommittee leaders in the Senate. They often trigger disagreements fueled by regional interests or differing views on the appropriate role of the Department of Transportation, DOT, in regulating the market. But in this instance, it should be noted that all four Senators with authorizing and appropriating responsibilities for the FAA are in agreement that the FAA's plans are illegal. We do not come to that conclusion lightly. Just yesterday, the committee received an authoritative legal opinion from the General Counsel of the Government Accountability Office, GAO, that reached that same conclusion.

GAO's legal opinion should not come as a surprise to the FAA. Indeed, the FAA, as recently as 2 years ago, was of the same view as GAO and stated in the Federal Register that it did not have the authority to proceed with such slot auctions. More recently, however, the General Counsel at the DOT concocted what, in my view, is a new far-fetched legal argument for the purpose of evading the clear limitations imposed by the authorizing statute and appropriations law. The GAO reviewed the Department's new interpretations of the law and found that they don't hold water. Indeed, the GAO concluded that, if the FAA were to proceed with these auctions, the agency would be engaging in a blatant violation of the Antideficiency Act. This legal opinion matters not simply because it corroborates our collective bipartisan interpretation of the authorizing and appropriations laws. It matters because the GAO is statutorily charged with making determinations regarding violations of Appropriations law including the Antideficiency Act.

One would think that this opinion would bring an end to this debate. Since we now know, in advance, how the GAO would rule on this question, one would expect the DOT to abandon its interpretation and cancel its planned auctioning of slots. To do otherwise would signal the agency's intention to proceed with a process that will almost certainly be found to be illegal. Unfortunately, we are getting indications that this is precisely what the Department intends to do—proceed with these slot auctions whether they are legal or not. I find the Secretary's plans to be both startling and disappointing. In my view, agency heads should not be launching into actions that are likely to be found to be illegal. And equally important, political appointees should not be forcing nonpolitical officials in their departments to participate in such acts.

So, Mr. President, I, along with my colleagues, am taking the time of the Senate to implore Secretary Peters to review the GAO's findings and abandon the Department's plans. To do otherwise will just subject the taxpayers to the costs both of litigating this matter while holding a losing hand. The taxpayers will also have to foot the bill for financing the operation of this slot auction process. This represents an expense potentially in the millions of dollars. Those funds would be much better spent addressing the long list of critical safety improvements that must be made by the FAA.

Mr. BOND. It is a rare occurrence in the Senate to get this level of strong bipartisan cooperation, and I thank the chair and our colleagues on the Commerce Committee, Senators INOUYE and HUTCHISON, for their support on this issue.

As you mentioned, I, too, am concerned that the administration will ignore the impartial legal opinion articulated by the GAO on slot auctions and proceed with their ill-conceived plan.

The flying public and taxpayers are not well served by carrying through on a plan that will only lead to increased delays and costly litigation. Our aviation system needs a comprehensive overhaul, operationally and technologically, to fix the problems of congestion. An untested scheme to further tax airlines and passengers is certainly not what is needed. The delayed and weary flying public deserves better.

Should the administration proceed with their illegal auction scheme, it will do nothing to reduce congestion and will only postpone needed reforms to the system. The problem of chronic congestion and delays in our aviation system deserves the full attention of all of the stakeholders involved in aviation—from the administration and Congress, the airlines, airports, customers, and the air traffic controllers and operational personnel that keep our system moving. With the GAO's legal ruling, it is my hope that we can move past this failed idea and work towards a real solution.

I look forward to working with you and our Commerce Committee colleagues in addressing the fundamental causes of delays and congestion throughout our system and thank you all again for your continued leadership and support on the issue.

Mr. INOUYE. Mr. President, as chairman of the Senate Commerce, Science, and Transportation Committee, I rise in support of the remarks made by my colleagues and would like to express my concern with moving forward on this proposal.

Clearly, such a profound change in aviation policy must be supported by Congress and the agency's underlying authorizing legislation. Congress, however, has consistently opposed the DOT's attempt to auction slots and explicitly prohibited such actions in P.L. 110–161. Just this week, the GAO reaffirmed the position of Congress when it issued an opinion which concluded DOT's proposed initiative to auction slots is illegal.

It is perplexing that the DOT continues to pursue this course of action in the face of such strong Congressional opposition. Further, I am astonished that they would continue down this road in the face of legislation that clearly prohibits them from taking such action. I, along with my colleagues, implore the DOT to abandon its efforts to auction slots. The administration should focus its energy on more important issues, such as modernizing the Air Traffic Control System and ensuring the safety of its passengers.

Mrs. HUTCHISON. Mr. President, I thank my friends from the Appropriations Committee along with Commerce Committee Chairman INOUYE for their leadership and agreement on this issue. In the absence of explicit authority and in response to the GAO determination, I join my colleagues in urging DOT to cease action on any current auction proposal.

I believe market based solutions should play a role in the future of our congested airports, but the path the Department has taken is shortsighted, untimely and according to the GAO, apparently illegal. Instead, the Department should further focus on mitigating delays through capacity enhancements at congested airports.

Mrs. MURRAY. Mr. President, I very much want to thank my colleagues for engaging in this discussion today. I ask unanimous consent to have the legal opinion sent to us by the GAO General Counsel printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subject: Federal Aviation Administration—Authority to Auction Airport Arrival and Departure Slots and to Retain and Use Auction Proceeds

GOVERNMENT ACCOUNTABILITY OFFICE
Washington, DC, September 30, 2008.

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

Hon. PATTY MURRAY,
Chairman, Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies, Committee on Appropriations, U.S. Senate.

Hon. CHRISTOPHER S. BOND,
Ranking Minority Member, Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies, Committee on Appropriations, U.S. Senate.

Hon. FRANK R. LAUTENBERG,
Hon. ROBERT MENENDEZ,
Hon. CHARLES E. SCHUMER,
Hon. HILLARY RODHAM CLINTON,
U.S. Senate.

This responds to your request for our legal opinion regarding the authority of the Federal Aviation Administration (FAA) to auction airport arrival and departure slots. As part of its efforts to reduce congestion in the national airspace, in April and May 2008, FAA issued proposed regulations to conduct such auctions at three New York-area airports—LaGuardia Airport (LaGuardia), John

F. Kennedy International Airport (JFK), and Newark Liberty International Airport (Newark) at some time in the future. In August 2008, FAA announced that it was proceeding to auction two specific slots at Newark on September 3, an action that has since been administratively stayed. On September 16, 2008, FAA announced that ''[i]n accordance with rulemaking activity that is not yet complete'' and ''if the rule is adopted,'' it may auction slots at Newark, LaGuardia, and JFK starting on January 12, 2009. As agreed with your staff, this opinion addresses whether FAA has authority to auction slots and if it does, whether it may retain and use funds obtained through such auctions.

We conclude that FAA currently lacks authority to auction arrival and departure slots, and thus also lacks authority to retain and use auction proceeds. For the first time since it began regulating U.S. navigable airspace nearly 40 years ago, FAA now asserts that it may assign the use of that airspace using its general property management authority. According to FAA, slots are intangible ''property'' that it ''constructs,'' owns, and may ''lease'' for ''adequate compensation'' under 49 U.S.C. §§106 (l)(6) and (n) and 40110(a)(2). An examination of those statutes read as a whole, however, makes clear that Congress was using the term ''property'' to refer to traditional forms of property. It was not referring to FAA's regulatory authority to assign airspace slots, no matter how valuable those slots may be in the hands of the regulated community. Related case law confirms our conclusion. The only other source of authority for FAA to raise funds in connection with its slot assignments is the Independent Offices Appropriations Act (IOAA), 31 U.S.C. §9701, commonly referred to as the ''user fee statute,'' but that authority is currently unavailable. Since 1998, Congress has, through annual appropriations restrictions, specifically prohibited FAA from imposing ''new aviation user fees,'' and we conclude that proceeds from FAA's proposed auctions would constitute such a fee. Accordingly, in our opinion, FAA lacks a legal basis to go forward with the Newark auction or any other auction, and if FAA were to go forward with auctioning slots without obtaining the necessary authority and retained and used the proceeds, GAO would raise exceptions under its account settlement authority for violations of the ''purpose statute,'' 31 U.S.C. §1301(a), and the Antideficiency Act, 31 U.S.C. §1341(a)(1)(A).

BACKGROUND

FAA's control of congestion in the national airspace by use of a ''reservation'' or ''slot'' system is not new. What is new is FAA's proposal to assign the slots by auction. FAA first instituted a slot control system nearly 40 years ago, in 1968, in the so-called High Density Rule. See 33 Fed. Reg. 17896, 17898 (Dec. 3, 1968); 14 C.F.R. §§93.121–93.129 (1969). Supplementing the traditional first-come, first-served traffic control system, the High Density Rule capped the number of hourly arrivals and departures permitted at five designated ''high density traffic airports''—LaGuardia, JFK, Newark, Washington National Airport (Washington National), and Chicago O'Hare International Airport—and required air carriers to obtain a ''reservation'' for these operations from Air Traffic Control (ATC). The number of reservations available for assignment varied by airport, time of day, and class of user.

In promulgating the High Density Rule, FAA acknowledged that it was acting pursuant to its regulatory authority to ensure the efficient use of the national airspace under sections 307(a) and (c) of the Federal Aviation Act of 1958. 33 Fed. Reg. at 17897, 17898. That act created FAA (as the Federal Aviation Agency) and directed the FAA Administrator to: ''assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. He may modify or revoke such assignment when required by the public interest. . . . [The Administrator also] is authorized to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, for the protection of persons and property on the ground, and for the efficient utilization of the navigable airspace. . . .''

Federal Aviation Act of 1958, Pub. L. No. 85–726, §307(a), (c), 72 Stat. 731, 749–50, 49 U.S.C. §1348 (a), (c) (1968) (emphasis added). *See generally Northwest Airlines, Inc.* v. *Goldschmidt*, 645 F.2d 1309 (8th Cir. 1981) (upholding 1980 amendment to High Density Rule as exercise of FAA's section 307(a) and (c) authority to regulate efficient use of airspace).

Reservations under the High Density Rule initially were allocated by agreements between the airlines (acting through airport scheduling committees) and ATC and by rule, the vast majority of reservations were set aside for assignment to scheduled air carriers. See 14 C.F.R. §93.123(a) (1969). Because only a few carriers held certificates of public convenience and necessity for these airports, as required prior to deregulation of the airline industry in the early 1980's, there was only limited competition for the reservations. With deregulation, however, any licensed carrier could service any high density airport, with the result that airport scheduling committees could no longer reach agreements acceptable to prospective new entrants and incumbent airlines wishing to expand their operations.

To accommodate the resulting demand for reservations while ensuring continuity of operations for carriers providing regularly scheduled service, FAA amended the High Density Rule effective in 1986. See 50 Fed. Reg. 52180 (Dec. 20, 1985). It again acknowledged that it was acting pursuant to its regulatory authority under sections 307(a) and (c) of the Federal Aviation Act to ensure the efficient use of the national airspace. Id. at 52181. Under a ''grandfather'' policy, FAA initially assigned most reservations—now called ''slots''—to the carriers who already held them under scheduling committee agreements. For the first time, FAA also authorized carriers to sell, lease, or otherwise transfer the slots among themselves, subject to confirmation by FAA and to a determination by the Secretary of Transportation that transfer ''will not be injurious to the essential air service program.'' Slots could be withdrawn at any time for FAA operational needs, and under a ''use-or-lose'' provision, slots not used 65 percent of the time would be recalled. FAA made clear that ''[s]lots do not represent a property right but represent an operating privilege subject to absolute FAA control.''

In issuing the 1986 amendments, FAA noted that it had decided not to pursue a proposal it had made in 1980, to assign slots by means of an auction. It explained this was because ''legislation would be required for the collection and disposition of the proceeds.'' Id. at 52183. FAA noted that ''several unresolved legal questions'' had been raised by the Department of Justice which DOJ believed would make an auction ''impractical,'' citing the Independent Offices Appropriations Act (IOAA), 31 U.S.C. §9701, commonly referred to as the ''user fee statute.'' IOAA could be problematic, FAA noted, ''if these proceeds were to be applied for airport improvements . . . .'' *Id.* As FAA had explained in its earlier proposal, this is because ''in accordance with [IOAA], the money received as a result of any auction system will not be retained by DOT but will be paid into the Treasury of the United States. Other disposition of the revenues . . . [is] not now authorized by statute.'' 45 Fed. Reg. 71236, 71240, 71241 (Oct. 27, 1980).

Over time, Congress became concerned that the High Density Rule, particularly the 1986 amendments, hurt competition, unfairly favored incumbent airlines, and was not the best means to reduce congestion. After enacting several measures in the 1980s and 1990s requiring greater access for certain service providers, in 2000, Congress directed FAA to phase out the High Density Rule altogether, at LaGuardia, JFK, and O'Hare, no later than January 1, 2007. At about this same time, Congress also began to enact annual appropriations restrictions prohibiting FAA from promulgating any ''new aviation user fees'' unless specifically authorized by statute. The first of these restrictions was enacted in 1997 for fiscal year 1998, and the most recent was enacted in 2007 for fiscal year 2008.

As the 2007 High Density Rule phase-out deadline approached, FAA remained concerned about congestion. In August 2006, it therefore proposed to continue caps on hourly arrivals and departures at LaGuardia and to assign the majority of slots (now called ''operating authorizations'') to incumbent carriers. 71 Fed. Reg. 51360 (Aug. 29, 2006). FAA also now proposed to set expiration dates for most slots, with 10 percent of the slots each year to be redistributed, as they expired, using a market-based mechanism yet to be determined. FAA could not propose a specific market mechanism at that time, it explained, because it lacked authority to do so and would be seeking such authority from Congress: ''[FAA] will seek authority to utilize market-based mechanisms at LaGuardia in the future [to allocate capacity]. Such legislation would be necessary to employ market-based approaches such as auctions or congestion pricing at LaGuardia because the *FAA currently does not have the statutory authority to assess market-clearing charges for a landing or departure authorization.* If Congress approves the use of market-based mechanisms as we plan to propose, a new rulemaking would be necessary to implement such measures at LaGuardia.''

Id. at 51362 (emphasis added); *see also id.* at 51363. FAA subsequently requested such authority from Congress, but it has not been enacted. When FAA was unable to finalize its 2006 proposal before the January 1, 2007 phase-out deadline, it issued a series of temporary ''capping orders'' maintaining caps and slots at LaGuardia, JFK, and Newark.

Finally, as noted above, in April and May 2008, FAA issued its most recent proposals for a cap and slot system at LaGuardia, JFK, and Newark. FAA proposes to continue to assign the majority of slots to incumbent carriers and, as in its 2006 proposal, to withdraw a portion of the slots for re-distribution (along with unassigned slots). However, calling its 2006 legal analysis ''overly simplistic'' and ''incorrect,'' FAA now proposes to do what it previously stated it had no authority to do: assign the withdrawn slots by auctioning slot ''leaseholds'' to the highest bidder. The proceeds from the auctions would either be retained by FAA and used to mitigate congestion in the New York City area or, after deducting FAA's administrative costs, paid to the airline that previously held the auctioned slot. To impose caps on hourly arrival and departure slots, FAA continues to rely on its regulatory authority to ensure efficient use of the airspace, now codified at 49 U.S.C. §40103(b)(1), (2). See 73 Fed. Reg. at

20846, 29626. To assign the slots by auctioning slots leaseholds, FAA for the first time relies on its general authority to lease or otherwise dispose of ''property'' under 49 U.S.C. §§106 and 40110. See *id*. at 20853, 29631.

ANALYSIS

Whether FAA may raise funds in connection with its assignment of slots—by holding a slot auction, imposing a user fee, assessing a tax, or by some other mechanism—depends on whether it has the proper statutory authority. Congress has granted FAA explicit statutory authority to collect fees in several different situations, but no explicit authority exists for the imposition of fees related to the assignment of slots. We therefore look to whether FAA has any other authority that would permit it to auction slots.

I. FAA's authority to auction slots under its property disposition authority

In evaluating whether FAA may assign slots using its general property disposition authority, it is important to understand what a slot is. FAA has consistently characterized a slot as an ''operating authorization'' or ''operational authority'' to conduct one operation (arrival or departure) in the airspace during a specified time period. At the five high density airports, this authorization is in addition to the authorization or ''clearance'' that must be obtained from ATC to operate within the airspace at those facilities. 14 C.F.R. §§91.131(a)(1), 91.173. While these two authorizations differ in some respects—clearances are normally required of all users of this airspace, while slots, due to capacity demands, are issued only to some users—both constitute regulatory permission without which aircraft may not be operated. So understood, a slot is a regulatory license—a legal permission, revocable by FAA, to conduct an act that otherwise would not be permitted.

As FAA itself emphasizes, it is also important to understand that caps and slots are two interconnected parts of FAA's regulatory structure to ensure the efficient use of the airspace. 2008 FAA Letter at 1. Limiting aircraft traffic by capping the number of arrivals and departures reduces the amount of traffic that is airborne, but it does not avoid the backup of aircraft seeking access to the air traffic system or provide a mechanism for prioritizing traffic. Assigning slots accomplishes this objective; without slots, traffic will queue on a first-come-first-served basis (as it does at non-slot controlled airports), undermining scheduling. Whether the assignment system is called a reservation system, an operating authorization system, or a slot system, the use of an assignment mechanism is key to accomplishing what FAA believes is necessary to promote orderly and efficient traffic flow and use of airspace.

According to FAA, however, slots are not a license but ''property'' that it ''acquires'' or ''constructs'' and, as the property ''owner,'' may ''lease'' using its general property disposition and contracting authority in 49 U.S.C. §§106 (*l*)(6) and (n) and 40110(a)(2). Section 106(n)(1) authorizes FAA: ''(A) to *acquire* (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—(i) air traffic control facilities and equipment; (ii) research testing sites and facilities; and (iii) such other real and personal *property* (including office space and patents), or any interest therein . . . as the Administrator considers necessary; [and] (B) to *lease* to others such real and personal *property* . . . .''

Section 106(l)(6) authorizes FAA: ''[to enter into] such contracts, *leases*, cooperative agreements, or other transactions as may be necessary to carry out the functions of FAA.''

Section 40110(a)(2) authorizes FAA: ''[to] dispose of an interest in *property* for adequate compensation. . . .''

(All emphasis added.)

As evidence that these provisions authorize slots to be ''leased'' as ''property,'' FAA points to bankruptcy proceedings where slots subject to lease have been accorded some proprietary status. 2008 FAA Brief at 41–43. FAA asserts that it, too, has a property interest in slots subject to lease because: (1) FAA has sovereignty over U.S. navigable airspace; (2) airspace has been characterized as ''public property;'' (3) FAA regulates the use of navigable airspace; (4) as a ''product'' of its regulation, FAA has ''constructed'' slots as an ''intangible property interest'' in airspace use; and (5) as the slot ''constructor,'' FAA ''owns'' and may ''lease'' its ''intangible'' slots. FAA states further that it may—in fact, must—charge ''adequate compensation,'' and even ''market prices,'' for this ''property'' under 49 U.S.C. §40110. 2008 FAA Brief at 41, 50–53.

As discussed below, however, slots are not ''property'' subject to FAA's property disposition authority. Nor are they the mere ''product'' of FAA regulation; they are FAA regulation. Moreover, FAA's argument that slots are property proves too much—it suggests that the agency has been improperly giving away potentially millions of dollars of federal property, for no compensation, since it created the slot system in 1968.

A.

Parsing its property acquisition and disposition authorities under 49 U.S.C. §§106(n) and 40110(a)(2) and applying general dictionary definitions, FAA maintains that when it uses its regulatory authority to delineate a time period for authorized takeoff or landing—a slot—it ''constructs'' or ''acquires'' an intangible ''property'' interest in airspace use that it may ''lease'' to others for ''adequate compensation.'' 2008 FAA Letter at 2–3; 2008 FAA Brief at 47–48. ''Understanding Congressional will requires more than the mechanical application of dictionary definitions,'' however, *see Faircloth* v. *Lundy Packing Co*., 91 F.3d 648, 660 (4th Cir. 1996) (Michael, J., concurring and dissenting), and it is a cardinal rule of statutory construction that statutes must be read as a whole, ''since the meaning of statutory language, plain or not, depends on context.'' *King* v. *St. Vincent's Hospital*, 502 U.S. 215, 221 (1991) (citations omitted). When taken in context and read as a whole, the term ''property'' as used in FAA's statute clearly refers to traditional property, not to FAA's regulatory licensing authority over the use of navigable airspace. Almost all of the ''property'' examples listed in 49 U.S.C. §106(n)(1) are traditional tangible property—real estate, equipment, and infrastructure—and the legislative history repeats the same examples. See H. R. Conf. Rep. 104–848 (1996) at 107, 1996 U.S.C.C.A.N. 3703, 3729. The other example referenced in §106(n)—a patent— has long been recognized as intangible property. Other terminology used in §106(n)(1) reinforces that Congress was referring to traditional property. For example, the statute refers to property that is ''leased'' and ''condemned'' (applied to traditional real property) and ''constructed, improved, repaired, operated, and maintained'' (applied to traditional real and personal property). Under the statutory construction rule of ejusdem generis, ''such other . . . property . . . or any interest therein'' as used in §106(n)(1)(A) must mean property of a nature similar to the traditional real and personal property examples cited in the statute. This would not include FAA's regulatory authorizations for aircraft takeoffs and landings—that is, slots.

The structure of FAA's statutory authority and its legislative history support this conclusion. Congress has given FAA different authorities to carry out different responsibilities—it has regulatory authority in 49 U.S.C. §40103 to ensure the safe and efficient use of the navigable airspace, and property acquisition and disposition authority in 49 U.S.C. §§106 and 40110 to support FAA's mission and general operations. As relevant here, FAA has had these same basic authorities since its creation in 1958. The fact that Congress authorized FAA to carry out its regulatory responsibilities (including assignment of slots) under the strictures of §40103 undercuts FAA's argument that Congress simultaneously authorized FAA to carry out many of these same responsibilities under the very different strictures of §§106 and 40110. Congress has never suggested as much in the half-century of FAA's existence, nor, until 2008, has FAA. Thus FAA may not rely on its general property disposition authority to carry out its regulatory slot assignment functions. *See, e.g., American Petroleum Inst.* v. *EPA*, 52 F.3d 1113, 1119–20 (D.C. Cir. 1995) (EPA cannot rely on general rulemaking authority to regulate air pollutant in manner conflicting with authority specific to that pollutant and ''cannot uncouple the first sentence of [Clean Air Act provision] from the rest of the section in order to expand its authority beyond the aims and limits of the section as a whole.'').

Finally, FAA's reading of its property authority, particularly the purported significance of a 1996 amendment to that authority, is unavailing because it would interfere with Congress' constitutional prerogatives to set programmatic spending levels and oversee agency activities. U.S. Const. Art. I, Sec. 9, cl. 7. As noted above, in the past FAA has considered imposing a user fee under IOAA in connection with its assignment of slots. Congress also has considered FAA's imposition of user fees. In FAA's 1996 reauthorization legislation, for example, Congress authorized FAA to charge certain cost-based user fees, but called for further study of the agency's funding needs and funding mechanisms. See Air Traffic Management System Performance Improvement Act of 1996, Pub. L. No. 104–264, Title II, §§221(12), 273, 274. And in 1997, Congress enacted the first of its now-annual appropriations restrictions expressly prohibiting FAA from imposing any ''new aviation user fees'' without specific statutory authority. FAA nevertheless asserts that when Congress amended its property authority in the 1996 reauthorization act by enacting §106(n)—which clarified FAA's property acquisition authority to include personal as well as real property, and authority not just to ''acquire'' property but, as discussed above, to ''construct, improve, repair, operate, and maintain'' it, see Pub. L. No. 104–264, §228, codified at 49 U.S.C. 106(n)—this amendment granted FAA authority to ''construct'' and auction slots. 2008 FAA Brief at 47–48. Given Congress' substantial concerns about FAA's imposing user fees in 1996 and its outright ban on new FAA aviation user fees the following year, we find it highly unlikely that Congress at the same time authorized FAA to obtain non-appropriations funding through the ''back door'' of its general property disposition authority.

B.

Case law regarding the legal status of slots and regulatory licenses confirms our conclusion that slots are not ''property'' in the hands of FAA. To demonstrate that slots are property, FAA cites three bankruptcy cases—*In re McClain Airlines, Inc*., 80 B.R. 175 (Bankr. D. Ariz. 1987); *In re American Central Airlines*, 52 B.R. 567 (Bankr. N.D. Iowa 1985); and *In re Gull Air, Inc*., 890 F.2d 1255 (1st Cir.

1989)—which considered whether an airline in bankruptcy had a sufficient proprietary interest in its slots to include them as ''property of the estate'' (or in McClain, an interest in a right to seek restoration of a withdrawn slot). 2008 FAA Brief at 42–43, 61; 2008 FAA Letter at 3. The courts in these cases focused in part on the fact that after FAA's 1986 amendments to the High Density Rule, carriers could sell, lease, or otherwise transfer slots among themselves.

The cases do not support FAA's position. At most, they recognize the undisputed fact that slots have value in the hands of carriers to whom they are assigned, at least when the slots are transferable to other carriers. The decisions do not address the issue we face here: the nature of slots when they are unassigned and ''held'' by FAA. In fact, the cases underscore the limited nature of slots even after they are assigned: they remain subject to FAA withdrawal at any time for operational reasons and to FAA recall for nonuse. In Gull Air, for example, the most recent, and the only appellate court, decision cited by FAA, FAA itself argued that slots were not the carrier's property but rather, as specified in FAA's regulations, ''operating privileges subject to absolute FAA control.'' 890 F.2d at 1258. The First Circuit Court of Appeals ruled only that slots' transferability under the High Density Rule created a ''limited proprietary interest in slots'' that is ''encumbered by conditions that FAA imposed in its regulations.'' Id. at 1260. The court declined to decide whether the slots constituted ''property of the estate'' because whatever that interest was, it was lost automatically under FAA's ''use or lose'' requirement when the airline ceased operations. Thus *Gull Air* stands only for the proposition that slots have one characteristic of property—transferability—which may qualify slots as ''property of the estate'' under the Bankruptcy Code when held by carriers. This is a far cry from finding that slots are FAA's ''property'' subject to its property disposition statute.

Furthermore, even if slots were not transferable, there is little doubt that they have value to carriers. Yet the U.S. Supreme Court has made clear that the fact that a government license is valuable to the license holder does not render the license ''property'' in the hands of the issuing agency. Rather, the license is ''no more and no less than [the agency's] sovereign power to regulate.'' *Cleveland* v. *United States*, 531 U.S. 12, 23 (2000). In *Cleveland*, the Supreme Court had to decide whether a Louisiana video poker machine license was ''property'' under the federal mail fraud statute, which makes it a felony to use the mail to further ''any scheme . . . to defraud, or for obtaining money or *property* by means of false or fraudulent pretenses . . . .'' 18 U.S.C. 1341 (emphasis added). Upholding the rulings of five circuit courts of appeals, the unanimous Supreme Court ruled that the licenses were not ''property'' when held by the issuing state agency:

''Without doubt, Louisiana has a substantial economic stake in the video poker industry. The State collects an upfront 'processing fee' for each new license application . . ., a separate 'processing fee' for each renewal application . . ., an 'annual fee' from each device owner . . ., an additional 'device operation' fee . . ., and, most importantly, a fixed percentage of net revenue from each video poker device . . . It is hardly evident, however, why these tolls should make video poker licenses 'property' in the hands of the State. The State receives the lion's share of its expected revenue not while the licenses remain in its own hands, but only after they have been issued to licensees. Licenses preissuance do not generate an ongoing stream of revenue. At most, they entitle the State to collect a processing fee from applicants for new licenses. *Were an entitlement of this order sufficient to establish a state property right, one could scarcely avoid the conclusion that States have property rights in any license or permit requiring an up front fee, including drivers' licenses, medical licenses, and fishing and hunting licenses. Such licenses, as the Government itself concedes, are 'purely regulatory*.'''

531 U.S. at 22 (second emphasis added).

FAA compares its proposed slot leases to patents, a type of intangible property it is authorized to dispose of under 49 U.S.C. 106(n)(1)(A)(ii). 2008§FAA Brief at 33, 51. But the *Cleveland* Court rejected this patent analogy, which had been made by the United States:

''[T]hese intangible rights of allocation, exclusion, and control amount to no more and no less than Louisiana's sovereign power to regulate. . . [T]he state's right of control does not create a property interest any more than a law licensing liquor sales in a State that levies a sales tax on liquor. *Such regulations are paradigmatic exercises of the States' traditional police powers*.

''The Government compares the State's interest in video poker licenses to a patent holder's interest in a patent that she has not yet licensed. Although it is true that both involve the right to exclude, we think the congruence ends there. Louisiana does not conduct gaming operations itself, it does not hold video poker licenses to reserve that prerogative, and it does not ''sell'' video poker licenses in the ordinary commercial sense. Furthermore, *while a patent holder may sell her patent . . ., the State may not sell its licensing authority*. Instead of a patent holder's interest in an unlicensed patent, the better analogy is to the Federal Government's interest in an *unissued* patent. That *interest, like the State's interest in licensing video poker operations, surely implicates the Government's role as sovereign, not as property holder*.''

531 U.S. at 23–24 (emphasis added).

Just as Louisiana did not run the video poker machines in *Cleveland*, so FAA does not operate commercial air carriers. Just as Louisiana regulated gaming as part of its police power to protect the public welfare, so FAA regulates air traffic as part of its responsibility to ensure efficient use of the national airspace. As in *Cleveland*, the fact that FAA's slots have value to slot holders does not transform them into alienable ''property'' in FAA's hands. FAA seeks to distinguish *Cleveland* because the licenses there were not transferable, and because a rule of leniency applicable to criminal statutes drove the Supreme Court's interpretation. As noted above regarding *Gull Air*, however, slot transferability is irrelevant to FAA's ''property'' rights because slots do not acquire this trait until *after* FAA assigns them. And while FAA's property disposition provisions are not criminal statutes, studied skepticism in defining their reach is also warranted. In this regard, there is an acute public interest in protecting Congress' exercise of its constitutional responsibility to set spending levels through the appropriations process, and as discussed above, this would be jeopardized if FAA could circumvent the appropriations process by obtaining funding through slot auctions.

II. FAA's authority to auction slots under its user fee authority

Because FAA may not auction slots under its property disposition authority and has no explicit authority to charge a fee for the assignment of slots, the only other arguable authority on which FAA could rely is IOAA. That authority is currently unavailable because as of fiscal year 1998, Congress has prohibited FAA's imposition of any new aviation user fees unless it obtains specific statutory authority. Because FAA lacks authority to collect such fees, if it nevertheless goes forward with an auction, it may not retain or use the proceeds.

To understand the impact of Congress' prohibition, some context and a brief history are helpful. FAA is funded from a combination of sources, which can be roughly divided into three types: excise tax revenue, General Fund appropriations, and reimbursements from services provided and user fees charged. FAA, Fiscal Year 2007 Performance and Accountability Report, at 121. For the last 10 years, Congress has annually prohibited FAA from implementing any ''new aviation user fees'' not authorized by Congress. The prohibition first appeared in the 1998 Department of Transportation and Related Agencies Appropriations Act and stated:

''[N]one of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act.''

Pub. L. No. 105–66, 111 Stat. 1425, 1429 (1997). At the time, the Conference Committee expressed ''very serious concerns,'' ''on both technical and policy-related grounds,'' about new aviation user fees that FAA had proposed. The Committee made clear that the existing excise tax system, supplemented by appropriated funds, would provide sufficient revenue for FAA without new fees. H. R. Rep. No. 105–313 at 40–41 (Conf. Rep.) (1997). The Committee specifically acknowledged the authority that IOAA generally provides to agencies and made clear that it intended to restrict this authority in FAA's case:

''The conferees are aware of FAA's opinion that the agency has the legal authority to establish new user fees under the generic authority provided in the User Fee Statute, and do not wish to see FAA circumvent the legislative process and avoid the normal cost controls which apply to other federal agencies through the administrative implementation of new user fees. The conferees emphasize, however, that this provision does not prevent the FAA from implementing new user fees. It only provides that such fees must be specifically authorized by the Congress.''

Id. at 41. A slightly modified version of the restriction has been included in every subsequent yearly appropriation. The 2008 fiscal year prohibition states:

''[N]one of the funds in this [Appropriations] Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act.''

Consolidated Appropriations Act, 2008, Pub. L. No. 110–161, 121 Stat. 1844, 2379 (2007).

In considering the fiscal year 2008 prohibition, the House Committee on Appropriations commented on its ''serious concerns about the impact of user fees,'' and the Senate Committee on Appropriations expressed its desire that ''any degradation in the Committee's ability to annually set programmatic spending levels and oversee the agency's spending habits as part of the reauthorization process should be strenuously resisted.''

This fiscal year 2008 prohibition precludes FAA's use of IOAA as authority to auction slots because FAA's slot auctions would amount to a ''new aviation user fee'' not specifically authorized by law. FAA has never previously imposed a fee for authorization to use navigable airspace at a specific time; thus FAA's slot auction would constitute exactly the type of ''new aviation user fee''

that Congress has prohibited. Indeed, FAA recognized that slot auctions would constitute a user fee when it proposed to institute such a fee in 1980, and again in 1986 when it decided not to do so. FAA also appeared to recognize that slot auctions would constitute a user fee in 2006 and 2007 when, in the face of the annual appropriations restrictions, it promised to and did seek legislation authorizing it to conduct the auctions. FAA's April 2008 proposal in fact acknowledges that because of the appropriations restriction, FAA ''continues to believe that it cannot rely on a market-based [slot] allocation method under a purely regulatory approach, which is why it explicitly sought legislation on this matter.'' 73 Fed. Reg. at 20846, 20852.

FAA suggests that because it will conduct the Newark auction by solicitation of bids for slot leases, rather than by issuance of a new regulation, the language of the 2008 Consolidated Appropriations Act—which prohibits ''any regulation'' imposing new aviation user fees—does not apply. 2008 FAA Brief at 61 n. 36. Contrary to FAA's suggestion, because the auction would, in effect, amount to a user fee under IOAA, and IOAA requires agencies to prescribe regulations to impose new user fees, see 31 U.S.C. §9701(b), implementation of the auction would require a new regulation. FAA cannot elude the requirements of otherwise applicable law simply by failing to follow the law's requirements. ''It is axiomatic that an agency cannot do indirectly what it is not permitted to do directly.'' Forest Products Laboratory Agreement with University of Wisconsin, 55 Comp. Gen. 1059 (1976).

FAA points to examples of other agencies auctioning or charging market-based fees for use of public lands or other public ''property.'' 2008 FAA Brief at 48–49. These are inapposite because unlike FAA, those agencies had specific statutory authority for their activities. See, e.g, 16 U.S.C. §472a (U.S. Department of Agriculture auction of timber rights on National Forest Service land); 43 U.S.C. §315b (U.S. Department of Interior issuance of grazing permits for public lands for ''reasonable fees''). FAA's most analogous example is the Federal Communications Commission's auction of license rights to the electromagnetic spectrum. Again, however, Congress has specifically authorized the FCC to conduct such auctions, including specifying the conditions necessary for auction, bidder qualifications, and treatment of auction proceeds. See 47 U.S.C. §309(j). As discussed above, despite FAA's specific requests, Congress has given FAA no comparable auction authority.

Finally, even if Congress were to remove the annual appropriations restriction that prohibits FAA from promulgating new aviation user fees, without other specific authority, it could impose only a cost-based fee, not the type of market-based fee it seeks to obtain by auctioning slots to the highest bidder. Under IOAA, when an agency is but one actor in the marketplace, it acts in a commercial, non-governmental capacity and may charge a fee based on the market price of the service provided. When instead an agency exercises its sovereign power and regulates activities based on public policy goals—as FAA would be acting, if it were to auction slots—it acts in a regulatory capacity, and user fees are limited to the agency's costs of providing the specific benefit to the individual recipient. If FAA's fee were based on market value and exceeded its cost of providing the slot to the recipient airline, the fee could rise to the level of a tax. A tax would be beyond IOAA's grant of authority and FAA would have to have some other Congressionally-delegated authority to impose it. *National Cable Television Ass'n, Inc.* v. *United States*, 415 U.S. 336, 341 (1974); National Park Service—Special Park Use Fees, B–307319, Aug. 23, 2007.

CONCLUSION

We conclude that FAA may not auction slots under its property disposition authority, user fee authority, or any other authority, and thus also may not retain or use proceeds of any such auctions. Going forward with the planned Newark auction or any other auction would be without legal basis, and if FAA conducted an auction and retained and used the proceeds, GAO would raise significant exceptions, under its account settlement authority, 31 U.S.C. §3526, for violations of the ''purpose statute,'' 31 U.S.C. §1301(a), and the Antideficiency Act, 31 U.S.C. §1341(a)(1)(A).

If there are questions concerning these matters, please contact Managing Associate General Counsel Susan. D. Sawtelle at (202) 512–6417 or Managing Associate General Counsel Susan A. Poling at (202) 512–2667. Assistant General Counsels David Hooper and Thomas H. Armstrong, Senior Attorney Bert Japikse, and Staff Attorney James Murphy also participated in preparing this opinion.

Sincerely yours,

GARY L. KEPPLINGER,
General Counsel.

ETHOPIA

Mr. BROWNBACK. Mr. President, I would like to voice my support for the difficult work that Ethiopia is doing on the battlefield of the war on terror in the Horn of Africa. Ethiopia is a country of great importance to the United States, and is located in what some have called one of the roughest neighborhoods in the world. As one of our strongest allies in this complicated region, Ethiopia has shown promise in meeting both economic and security challenges.

Although Ethiopia remains one of the poorest countries in the world, it is developing a market-based economy which has experienced an impressive 10 percent annual growth since 2003. In addition, the Government of Ethiopia, in close collaboration with regional and international health organizations, has achieved some success in addressing global public health concerns, including the fight against HIV/AIDS, tuberculosis and malaria.

The US-Ethiopia bilateral relationship is strong and enduring. Ethiopia is a vital partner of the United States in the fight against terrorism, promoting regional stability and combating violent extremism. As a growing democracy, Ethiopia shares with the United States a common commitment to promoting freedom and human dignity.

With respect to Ethiopia's involvement in Somalia, it is important to understand that the U.S., U.N., E.U., and A.U., all have urged Ethiopia to remain in Somalia until replacement forces arrive or a stable government is formed. Ethiopian government officials have stated that while the Government of Ethiopia is anxious to remove their forces at the earliest possible time, it has delayed the withdrawal of troops from Somalia, at great political and economic cost, until replacement troops arrive to ensure the stability of Somalia's Transitional Federal Government.

Unfortunately, while several nations have pledged to send replacement troops under the auspices of the African Union, only a small fraction of those pledged have actually arrived. I am grateful that Ethiopia remains committed to securing stability and peace in Somalia, and hope that the full African Union contingent arrives soon to enable the safe withdrawal of Ethiopian forces.

Ethiopia faces a host of ongoing challenges both at home and abroad, and merits our support and assistance. I urge my colleagues to join me in recognizing the progress made by this Ethiopia in promoting the health and welfare of its people, and assisting in the war on terror in the Horn of Africa.

PATIENT SAFETY AND ABUSE PREVENTION ACT

Mr. KOHL. Mr. President, I speak today in support of the Patient Safety and Abuse Prevention Act, S. 1577. This bill takes needed, practical steps to protect seniors in nursing homes and other settings wherever long-term care services are delivered. The background check procedures used by most States today are inadequate to keep out thousands of criminals, who can and do take advantage of loopholes and gaps in State systems. This results in needless tragedies and terrible harm to seniors.

As chairman of the Senate Aging Committee, I have read and heard about too many of these stories. One young woman, Jennifer Coldren, testified earlier this year that her 90-year-old grandmother was brutally assaulted by a predator who had a criminal record that went unnoticed. If a more comprehensive background check had been done on this individual, he would not have been working in this nursing facility, and the course of Jennifer's life and her grandmother's life would not have been so horribly altered.

It is past time for the Federal Government to take the lead in asking States to improve their screening processes. To do so, States must improve their infrastructure. They must connect and coordinate their State registries, such as those established for sex offenders and child abusers. They must screen all long-term care workers, including those who work in private homes. They must require State police checks and checks against the FBI's national criminal history database.

We know that States will take these steps to improve their background check procedures if Congress incentivizes them to do so. Seven States did exactly that after we provided them with modest grants under a pilot program enacted as part of the Medicare Modernization Act of 2003. The dollar amounts required to get these States to expand and improve

their systems were modest, ranging from about $1.5 million to $3 million per State.

The results have been extremely impressive. At the close of the pilot program, more than 9,000 applications had been disqualified—because a comprehensive check showed that the applicant had a serious criminal history or a record of substantiated abuse. As a result, thousands of individuals who could have harmed our parents, grandparents, and loved ones have not been allowed to do so. And all seniors in these States who are receiving long-term care services—in Alaska, Idaho, Illinois, Michigan, Nevada, New Mexico, and Wisconsin are now safer.

We have a responsibility to build on this record of resounding success. If we help States to take these steps I have outlined, we can reduce the terrible toll of elder abuse. If we do nothing, experts tell us abuse rates will continue to rise.

I am pleased to have Senator DOMENICI as a partner and many of my colleagues as cosponsors, including Senator LINCOLN of Arkansas and Senator COCHRAN of Mississippi. Thanks to the leadership of Senator BAUCUS and Senator GRASSLEY, the cost of this bill—$100 million over 3 years—is fully offset. With regard to all other Senators, the only offices that have expressed concerns are those of Senator COBURN of Oklahoma and Senator DEMINT of South Carolina. I appreciate the willingness of their staffs to meet with my staff and trust that they will be able to reach agreement shortly.

In closing, the Patient Safety and Abuse Prevention Act has made substantial progress during the 110th Congress. It is strongly endorsed by attorneys general across the country, by the business community, labor unions, and elder justice advocates. It has been thoroughly discussed in public hearings and also during a markup in the Senate Finance Committee, where it was unanimously approved. The administration has provided technical assistance on the bill. I hope that all Senators will recognize the wisdom of approving this measure. Failing to take action to protect our Nation's frailest citizens should be unacceptable to all of us.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, I have been examining several doctors at universities across the country to see if they are complying with the financial disclosure policies of the National Institutes of Health. I ask unanimous consent to have printed in the RECORD my latest letter to Emory University regarding Dr. Charles B. Nemeroff and the Emory-GlaxoSmithKline-National Institute of Mental Health Initiative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, October 2, 2008.

Hon. JAMES W. WAGNER, Ph.D.,
President, Emory University, Dowman Drive, Atlanta, GA.

DEAR DR. WAGNER: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive healthcare coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Emory University (Emory), often have profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

I would like to expand on concerns I brought to your attention regarding problems with the disclosures of outside income filed with Emory by Dr. Charles Nemeroff, Chair of the Department of Psychiatry. I have previously cited discrepancies pertaining to Dr. Nemeroff's disclosures filed with Emory and reports that I received by several companies regarding payments made to Dr. Nemeroff. I also raised concerns about Dr. Nemeroff's conflicts of interest relating to several National Institutes of Health (NIH) grants.

Federal regulations place numerous requirements on a university or hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any ''significant financial interest'' that may appear to affect the results of a study. NIH interprets ''significant financial interest'' to mean at least $10,000 in value or five percent ownership in a single entity.

From the summer of 2003 until the summer of 2008, Dr. Nemeroff was the primary investigator on a collaborative grant between Emory, GlaxoSmithKline (GSK) and the National Institute of Mental Health (NIMH)—the Emory-GSK-NIMH Collaborative Mood Disorders Initiative (Initiative). This Initiative examined five novel GSK antidepressant candidates. The NIH budgeted approximately $3.95 million over this grant's five year period with about $1.35 million paid directly to Emory for overhead costs. Apparently, Dr. Nemeroff also received some payment for his salary from this grant, although the exact amount has not yet been made available to the Committee.

On several occasions during the life of this grant, it appears that Dr. Nemeroff failed to report to Emory that he was participating actively on the speaker's bureau for GSK. For instance, in an email regarding his outside activities dated October 1, 2003, Dr. Nemeroff wrote: . . . I have to dig up the agreement and send it to you, GSK no standing contract, I chair their ad board 2–3 times per year and I am paid per board meeting at a standard rate of $5K per weekend.

However, and based upon information in our possession, in 2003 GSK paid Dr. Nemeroff about $119,000 in speaking fees and expenses. Based upon information provided from Emory, Dr. Nemeroff did not report that he was giving promotional talks for GSK on Paxil and Lamictal.

On March 19, 2004, Dr. Nemeroff again addressed his relationship with GSK in response to questions from Emory's Conflicts of Interest (COI) Committee. Again, it appears that Dr. Nemeroff did not mention the fees he was receiving for promotional speaking on behalf of GSK. In a letter to the Assistant Dean for Administration, Dr. Nemeroff wrote: Apart from speaking at national symposia, such as the American Psychiatric Association, for which GSK might serve as a sponsor, my consultation to the company is limited to chairing their Paroxetine Advisory board and for that, I am remunerated $15,000 per year.

However, on March 16, 2004, three days prior to signing this letter, GSK paid Dr. Nemeroff $3,500 for a talk he gave on Paxil at the Citrus Club, a members only business establishment in Orlando, Florida. On March 17, 2004, he gave another $3,500 talk about Paxil in Kissimmee, Florida. The week after he signed this letter, Dr. Nemeroff gave three talks on Paxil, for $3,500 each, at various venues in New York State.

In June 2004, Emory's COI Committee released a report on Dr. Nemeroff's company sponsored grants and outside activities. Dr. Nemeroff was provided a copy of the report which stated in pertinent part:

The Committee concluded that you did not follow procedures and policies regarding the review of your consulting agreements and that you failed to disclose your potential conflicts of interest in research in your Annual Disclosure Form for 2002–2003, your Sponsored Projects Approval Forms, and your IRB and IACUC forms.

In response to this report, Dr. Nemeroff wrote a memorandum to the executive associate dean on July 6, 2004, explaining how he would manage his conflicts in the future. He included the last page of the COI Committee's report with his signature to indicate ''that I will follow the management plans for my conflicts of interest.'' As part of this management plan, Dr. Nemeroff wrote, ''In view of the NIMH/Emory/GSK grant, I shall limit my consulting to GSK to under $10,000/year and I have informed GSK of this policy.''

Barely a week after this promise, on July 12, 2004, GSK paid Dr. Nemeroff $3,500 in fees and $505.40 in expenses for a talk he gave regarding Paxil at the Larkspur Restaurant and Grill in Las Vegas, Nevada. The following day, Dr. Nemeroff gave two more talks in exchange for $7,000 from GSK ($3,500 per talk).

On July 19, 2004, Dr. Nemeroff received an invitation from the marketing team of Lamictal to attend their national advisory board meeting on November 15–16. Dr. Nemeroff responded by email: I cannot attend this meeting, unfortunately for two reasons. First I have a prior commitment presenting grand rounds at St. Louis University on the 16th and a chairs meeting at Emory on the 15th. Secondly because I serve as the Principal Investigator of the Emory/GSK/NIMH grant from NIH on Antidepressant Drug Discovery, I am very limited in my ability to consult with GSK as this is viewed as a conflict of interest.

Records supplied from GSK show that Dr. Nemeroff was most likely in St. Louis on the 16th of November. On November 17th, GSK paid Dr. Nemeroff $7,000 for two clinical roundtables at two physicians' offices in St. Louis, and $3,500 for a lecture he gave at Kemoll's Italian Restaurant.

On July 15, 2004, Emory's Office of the Dean sent Dr. Nemeroff a letter regarding the Emory-GSK-NIMH Collaborative Moods Disorders Initiative grant. The letter concerned the COI Committee's review of his relationship with GSK. The letter stated: The [COI] Committee understands that you serve on the GlaxoSmithKline Paroxetine Advisory Board and provide advice to GSK on their products that are already on the market. For these services, you receive approximately $15,000 annually. You do not have any stock options or equity interests in GSK.

Please correct the record if this is not correct. . . . The [COI] Committee found that you have a significant financial interest in GSK because your consulting fees are more than the de minimis amount established by Emory's University Policy, the AAMC guidelines, and PHS regulations, which is currently $10,000 annually. . . . In order to manage this conflict of interest, the [COI] Committee requires that you keep your consulting fees from GSK to an amount equal to or less than $10,000 on an annual basis throughout the grant period, its renewals, and final collection of data.

In response, Dr. Nemeroff sent a letter to the executive associate dean on August 4, 2004. Dr. Nemeroff wrote: However, to reiterate, I have already taken the necessary steps to be in compliance with the recommendations of the COI Committee, namely my consulting fees from GSK will be less than $10,000 per year throughout the period of this NIH grant, its renewals and final collections of data. GSK has been informed of this change and certainly understand the reasons for this decision and is supportive of my compliance with the university recommendations.

According to GSK reports, Dr. Nemeroff exceeded the $10,000 limit within that very same month. On August 23, 2004, Dr. Nemeroff was paid $3,500 for a teleconference with the Louisiana State University Psychiatry Department. GSK reports that this was a ''non product'' talk. However, Dr. Nemeroff gave talks on the 25th and 26th at two restaurants in New York regarding Paxil—one at Passion Fish Restaurant in Woodbury and the second at Burton and Doyles in Great Neck. For each talk, GSK paid Dr. Nemeroff a $3,500 speaking honorarium. On August 31, 2004, Dr. Nemeroff held a ''non product'' teleconference for an additional $3,500.

On October 29, 2004, the assistant dean for administration sent Dr. Nemeroff a letter concerning his grants. Relying on Dr. Nemeroff's promise to maintain his consulting fees from GSK below $10,000, Emory informed him that he did not have a conflict with the Emory-GSK–NIH Collaborative Mood Disorders Institute.

However, GSK reports that Dr. Nemeroff's final lecture on Paxil was given on January 26, 2006. That day he gave two talks in Springfield, Missouri. He gave one lecture at the Burrel Behavioral Health and the second at Mille's Turn of the Century Café. GSK paid Dr. Nemeroff $7,000 for the lectures along with $174.98 in expenses.

Based upon information provided to me, it appears that Dr. Nemeroff denied giving these lectures. For instance in a letter on November 20, 2006, Dr. Nemeroff wrote the following to the Emory dean about his outside activities:

''I was somewhat surprised by the suggestion that I serve as [primary investigator] or co-PI in any research protocols funded by a company with which I have a financial relationship. This is absolutely untrue. Quite some time ago, I made that decision based on the 2004 letter from Dr. Adkison and have stuck to it. Thus, this is not an issue.''

However, during the years that Dr. Nemeroff served as the primary investigator of the Emory/GSK/NIMH Initiative it seems he failed to report approximately half a million dollars in fees and expenses from GSK. These fees covered dozens of talks given to promote drugs sold by the company.

Accordingly, I request that your institution respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

(1) For each year that the Emory/GSK/NIMH grant was active, please provide the following:

a. Total amount of grant;

b. Amount provided to Emory for overhead; and

c. Amount of grant provided as salary to Dr. Nemeroff.

(2) Please provide all communications regarding this investigation and/or Dr. Nemeroff's outside consulting. This information may be held by Dr. Nemeroff and/or his assistant and/or supervisors to Dr. Nemeroff. The time span of this request covers November 2007 to the present.

(3) According to documents provided to us by Emory, Dr. Nemeroff wrote a memo to himself on the letterhead of the journal Depression and Anxiety, stating that he was paying himself $3,000 to write a supplement for that journal. Dr. Nemeroff then filled out an Emory form for payment, with the money being withdrawn from Emory account 9–30410–2170. Please provide documents and explanation for the source of funds that were placed in this account.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than October 16, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224–4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

DR. CHARLES NEMEROFF'S DISCLOSURES ON GLAXOSMITHKLINE

Year	Company	Disclosure filed in March 2008	Amount company reported
2000	GlaxoSmithKline	No amount provided [1]	$190,918
2001	GlaxoSmithKline	No amount provided [1]	135,460
2002	GlaxoSmithKline	$15,000	232,248
2003	GlaxoSmithKline	Not reported	119,756
2004	GlaxoSmithKline	$9,999	171,031
2005	GlaxoSmithKline	$9,999	78,097
2006	GlaxoSmithKline	No amount provided [2]	32,978

[1] Consulting agreement for two weekends a year.

[2] Speaker's Bureau, $3,500 per talk; $5,250 for rotating speakers series.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column read ''not reported.''

REPORT OF THE SBA INSPECTOR GENERAL

Mr. KERRY. Mr. President, on behalf of Senator SNOWE and myself, I rise today to express our concern that the Small Business Administration has taken steps to hide from public view the details of one of the largest lending scandals in that agency's history. As chairman and ranking member of the Senate Committee on Small Business and Entrepreneurship, we take our oversight role of the SBA seriously, and we believe that transparency is vital to a well-functioning government.

On July 11, 2007, the SBA's Office of Inspector General issued a report on the agency's oversight of Business Loan Center, LLC, otherwise known as BLX. That report was not made publicly available until October of the same year, in a heavily redacted form. BLX was one of SBA's largest 7(a) lenders when the $76 million in fraudulent loans it made was exposed in January 2007. An OIG investigation regarding allegations of the fraudulent loans helped lead to the arrest of a BLX executive vice president and 18 other individuals, who were not BLX employees. OIG followed up the investigation by releasing the report on SBA's oversight of BLX. Despite the obvious need for more, not less, transparency of SBA's oversight activities, when the report was made publicly available in October of that year, it was heavily redacted and virtually useless to the public in trying to determine what the SBA is doing to address the multimillion dollar loan fraud that took place under its watch.

To further underscore the damage that took place, it is important to note that, in the time that has elapsed since the report was issued, BLX—now called Ciena Capital has declared bankruptcy. According to the company, it will continue to manage its assets as a ''debtor in possession'' under the jurisdiction of the bankruptcy court. However, we are still concerned that the former BLX will not fulfill its obligations to the SBA and the American taxpayer, in turn.

Even so, as detailed in hearings on SBA lender oversight, our committee remains very concerned by the number and breadth of the redactions of the BLX report. At the lender oversight hearing on November 13, 2007, then SBA Administrator Steven Preston promised to work with the committee to make more of the report publicly available. To date, there has been no agreement on a meaningful release of redacted material.

In the context of conducting oversight, it has become apparent to the committee that the OIG did not exercise independent authority on what was redacted and instead let the agency it was investigating dictate that large sections of the report be redacted. This is contrary to the usual process that occurs with SBA OIG reports. Of the 15 reports that the OIG has released this year, there have been none with a volume of redactions even close to those in the BLX report. Of the 30 reports OIG issued in 2007, only 3 reports have a comparable amount of text redacted and those are all reports regarding agency information security.

In this statement, I will bring to light the OIG's first three recommendations to the SBA and a summary of the SBA's comments on the recommendations, which were redacted in the publicly released report. There is nothing in this material that should have been withheld. In fact, on August 3, 2008, the New York Times reported in an article that revealed the substance of the three redacted recommendations that ''With the American taxpayer assuming responsibility for all manner of bad loans made by reckless lenders, it's puzzling that a scathing 2007 audit of the Small Business Administration's

oversight of one of its top private lenders remains hidden from view.'' Additionally, even if there had been a reason to withhold this information, the public interest would outweigh that. Given the crisis in the credit market, it is more important than ever that the public have confidence that SBA can handle its lender oversight responsibilities.

The redacted portion is a recommendation on how to go forward in improving SBA's lender oversight and is illustrative of a process that broke down in this instance and needlessly made information confidential without due consideration.

According to both the SBA's Office of General Counsel and the OIG, the SBA followed a preemptive Freedom of Information Act process when preparing for the public release of the BLX report. At its heart, the FOIA is a disclosure statute, with certain outlined exemptions. Indeed, although FOIA responsiveness has been problematic at best under the Bush administration, it has at least recognized FOIA's importance on paper as a tool to increase accountability of Government. As is stated in former Attorney General John Ashcroft's FOIA memo of October 12, 2001, which set the policy standard for FOIA compliance for the Administration: ''It is only through a well-informed citizenry that the leaders of our nation remain accountable to the governed and the American people can be assured that neither fraud nor government waste is concealed.''

Unfortunately, discussions with the OIG and OGC make clear that neither office fully evaluated each redaction with the above-mentioned guidance in mind. The OIG faced a large number of requested redactions from the OGC and, rather than challenge the OGC on them, simply decided to release the report with SBA's huge number of requested redactions intact. The OGC expressed surprise the OIG did not push back more on their requested redactions and seemed to have clearly acted on the instinct to ask for more redactions they expected to have made. The end result was a report that did nothing to increase transparency of Government and was virtually useless to the public.

As I mentioned earlier, the treatment of this report is in stark contrast to that of other OIG reports, which tend to have few redactions. Indeed, the followup report on lender oversight that was released by OIG in May 2008 had comparatively few redactions. However, in the BLX report, the redactions were so severe that the OIG felt compelled to write a summary as a cover page because the extensive redactions made the report difficult to understand. Without question, the nature of this report also contributed to the number of redactions, since it concentrated on SBA's oversight of one company. Even so, a more thorough process would have undoubtedly resulted in far fewer redactions being made to the public version of this report. That said, Senator SNOWE and I would like to see the OIG write reports in a manner that allows for the maximum availability of information for the public whenever possible.

The redacted passages that the committee is making public, in accordance with both Senate and committee rules, are those that the committee believes will be the most useful to the public and that were redacted under privileges that, given the passages themselves, are outweighed by the public good that can be gained by their disclosure. The SBA asserted that the first three recommendations and the summary paragraph in its response should be redacted due to the ''deliberative process privilege,'' and for the first recommendation they also included the bank examination FOIA exemption and privilege. The deliberative process privilege is exemption (b)(5) of the FOIA and covers ''inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.'' It traditionally covers the advice, recommendations and subjective evaluation that agency staff make in the performance of their duties. In this case, the public can see from the release of this information how the SBA and its OIG were interacting in the investigation of SBA's failed oversight of BLX, a lender making Government-backed loans. Regarding the ''bank examination'' FOIA exemption (b)(8) and privilege claim, that exemption only pertained to a portion of recommendation No. 1, for which SBA indicated it believed it could approve the release of an unredacted version.

SBA claims that the deliberative process privilege exemption applies because the OIG is a part of the agency. However, we believe that applying the exemption to the OIG—which is an independent office created within the SBA by law to conduct and supervise audits, inspections, and investigations relating to SBA programs and supporting operations; and to detect and prevent waste, fraud, and abuse—in the blanket manner SBA has done has the potential to render the OIG useless. If the deliberative process privilege exemption is as broad as SBA asserts, then the recommendations in the reports that preceded this one, as well as the two recommendations in the BLX report it did not redact, should have also been redacted. If that were the case, there would be virtually no use in having an OIG.

We are very concerned that the SBA's actions in redacting key information and recommendations in the BLX could undermine the future authority and efficacy of the OIG. The OIG is an independent office created within the SBA by law to conduct and supervise audits, inspections, and investigations relating to SBA programs and supporting operations; to detect and prevent waste, fraud, and abuse; and to promote economy, efficiency, and effectiveness in the administration and management of SBA programs. According to the SBA Web site, the SBA inspector general ''keeps the SBA Administrator and the Congress fully informed of any problems, recommends corrective actions, and monitors progress in the implementation of such actions.''

To resolve this situation, the committee has engaged in staff discussions with OIG and OGC with the intention of coming to an agreement with the OGC on additional portions of the report that could be released. However, OGC has simply not been responsive. Even when made aware of the committee's concern about the adequacy of its response, in subsequent followup by the committee, OGC did not address critical issues and did not agree to make any new releases of information. It also continued asserting Executive Privilege which, as the committee has previously pointed out, must be, and has not been, asserted by the President personally.

Therefore, to put an end to this matter, the committee is putting on the record some information that was withheld to serve as an example of a process gone wrong that prevented accountability in Government by keeping from the public information about the oversight capabilities of an agency that, though comparatively small, can have a huge impact on our economy. BLX made over $76 million in fraudulent Government-backed loans despite SBA's oversight of their lending activities. More transparency, not less, is called for to explain to the American people what happened and how it will be prevented in the future.

Without objection, I ask to have the redacted portion of the OIG's recommendations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We recommend that the Associate Administrator for Capital Access take further action to mitigate the risk posed by BLX and to promote consistent and uniform enforcement actions by:

1. Setting specific performance goals and target dates for BLX to demonstrate improvement. At a minimum, the goals should require BLX to obtain a risk rating of at least ''3.''

2. Reducing the guaranty percentages for all new loans originated by BLX, until such time as BLX has demonstrated the required level of performance.

3. Suspending BLX's delegated lending authorities until the goals in recommendation one are met.

The SBA's comments on those recommendations were completely redacted. These sentences are from the first paragraph of the section that summarizes the SBA's response.

SBA management partially agreed with recommendation 1, neither agreed nor disagreed with recommendation 2, provided a conflicting and unclear response to recommendation 4, and disagreed with recommendations 3 and 5. Management noted that it recently created a new Office of Credit Risk Management (OCRM) out of the

former OLO, which is now responsible for lender oversight.).

While the former BLX's bankruptcy makes the contents of the report moot to that particular company, we want to set the record straight on how this matter was handled so that, hopefully, SBA will handle such reports with more openness in the future.

Thank you, Mr. President.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We have tried to have a fair amount of expendable income for emergencies and unexpected expenses, but with the rising gas prices we have seen this ''buffer'' disappear. We are both employed outside the home and must drive a fair distance to get to work. We have owned the same vehicles for over four years. We do not have a lot of options to lower our fuel costs. We cannot sell our home and move closer to our jobs. We cannot sell our vehicles and buy more fuel efficient vehicles so we are kind of stuck. For the first time in our lives, we have had to resort to putting gasoline on credit cards to get from paycheck to paycheck. It is not just the gas prices, but I have seen a 400% increase in my power bill that I have no explanation for. Nothing has changed in my usage and, in fact, I switched to a gas dryer to try to decrease consumption. But, last year my average power bill was $30 a month. This year it is $120 a month. Also, I have found that the $100 per week I spend on groceries only buys half of what it used to. The rising gas prices have affected many areas of my life and my budget. In fact, my husband was asked to take a 10% cut in pay about two months ago because the construction company he works for was having a difficult time keeping up with rising costs in construction. It seems like every aspect of our lives is being affected by the rising gas prices, and we are powerless to do anything about it. What is even more frustrating is knowing that the problem could be remedied by the federal government if they would be willing to take action. There are options available to use our own resources and refuse to have an entire nation held prisoner by foreign oil. I am aware of the concerns by environmentalists, but I believe we have the technology to remove these resources with minimal effect on the environment. It is wrong to allow one group of individuals to have the power to adversely affect an entire nation just because they have the time and resources to scream in the government's ear while the rest of America is too busy just fighting to survive.

We are lucky because we have good-paying jobs and are able, so far, to absorb the cost. But I worry about my children who are struggling to make ends meet and raising their children and are being forced sometimes to choose between buying food or paying their utilities and putting gas in their car to get to work. We all need help—now.

JANE, *Iona*.

Thank you for the opportunity to respond on the rising cost of gasoline, food, energy, etc. I am amazed at how much everything has risen in the past six months. My electricity bill is on level pay (I do not like surprises so I opt to have a set amount each month). This past month my level pay went up $24 a month! I am already paying $95 a month for natural gas to heat my home and water. Our city has just raised the cost of water, garbage and sewer by $12 a month; at least that is how much my bill went up.

Gasoline—boy, where do I start! When it started going up three years ago, I started cutting back then; now there really is not a lot that I can do. I plan my day around where I need to go. I try to do everything in one day so that I am not running into town for one item. We are walking or riding our bikes to places that do not require us to carry a lot. If I have a doctor's appointment, I try to make other appointments the same day and spend the day going from one to the other—doing shopping, errands, etc. all in that day. It makes for a very long day, but then I do not drive anywhere for two or three days. I think it saves me in the long run. I do belong to a fitness club and try to carpool with my cousin to that. We take turns driving and if we have errands to do, we do them together if it is in the same area—saves us both on gas.

I have a small business where I have to travel to people's homes. I have had to charge a service call of $25 if it is out of Pocatello. I used to give free estimates all around the area, but I cannot afford it any more. If the clients purchase from me, then I will apply the $25 to their order. It is the only way I can afford to run my business. What else can I do?

My two adult sons purchased scooters three years ago and some of their friends at ISU laughed at them—now my sons are the ones that are laughing as their friends tell them how smart they were to get those scooters when they did, because the price of them have doubled! My husband rides his motorcycle to work (a 22-mile round trip) every day when the weather is good. It saves us about $100 a month because we are not filling his truck up weekly.

I wish that the government would listen to the people, not those environmentalist wackos who are tree huggers. I want more refineries in our country. I want more drilling in our country. I do not like the fact that our money goes to those foreign countries who hate America! Why are we supporting them? They take our money, control the oil prices and are out to get us one way or another! We need to become independent of them—we do not need them—let's use the resources that are in our own country! Let us make America great and the super power we once was.

I wonder why the car manufacturers do not design a car that gets better gas mileage! I know that the technology is there. I heard about 25 years ago that a gentleman had developed a car that got better gas mileage and the car manufacturers and gas companies paid him millions for his plans and the rights to them and he sold them to them. So I think that car manufacturers are in cahoots with the gas companies too!

Another thing—we do not need to help those countries that hate us. Stop sending aid to countries that want us dead! Let them help themselves—we have our own problems here that we really need to take care of—do not worry about these other countries—take care of us!!

DEBBIE.

Thank you for your concerns. It is appreciated. High fuel prices have affected every single item we purchase and everyday living. We spend roughly around $500 per month just traveling to work and back home. We only travel when it is absolutely necessary. We had planned a family reunion in Washington State this summer, but have cancelled due to the higher and ever increasing cost of fuel. We turn off our oil furnace unless it is too cold that we cannot get by with extra blankets. Our heating fuel cost for 1½ month is up to $668. Food and necessities are up 20% from four months ago, on most items. Clothing prices are up as much as 40% on some items. Everything is costing more.

I am employed with a state entity. I received a 4% increase, which I am grateful for, just enough of an increase to cover the increase in cost of our health insurance. As you can see, it does not cover the cost of inflation. My husband and I now worry if we are going to have to save less for our retirement in order to just live!

Our children have families of their own. It is even harder for them. Even though Idaho has increased the wages, it still does not seem to be in line with the continuing increases in the cost of living. I do not see things getting any better in the near future. In fact, I feel they will just get worse.

ANNA.

This e-mail is in response to your recent e-newsletter on energy prices.

Stories: Our church is investing in modern, high-efficiency heating and improved insulation including blinds over windows that we believe will reduce energy use and cost. The downside is that the money for these improvements and high energy costs will not be spent on community mission work in Pocatello and beyond.

Individual persons and families we know are changing habits. We held a group discussion at worship to invite ideas and solutions. Examples are: more use of bikes with emphasis on Pocatello Free Bikes (rebuilt by teenagers) for people with less money for new bikes; more thoughtful planning of shopping trips such as combining stops rather than multiple home-store trips; use of mass transit and calls for more organized carpooling in Pocatello; calls for coordination between bus fleet operators (Pocatello, School District 25, ISU, etc.) to increase flexibility and service. We all lose some choices in how we use our time.

Some commuters (Pocatello to Blackfoot or Idaho Falls) are looking for work closer to home. Pocatello is a poor city with average per capita income only about ⅔ the national average. Workers who accept lower pay in Pocatello to compensate for high motor fuel costs simply reduce the disposable income in town. The long-term effect will be local businesses further in decline (or not growing and expanding) and a shift of economy to grey-market (you help me fix my car; I'll help fix your deck) that is outside normal commerce and taxation. So this impact will begin to reduce government income.

There is more discussion among thoughtful people about sustainability than I have heard in years. People are asking questions about an energy-intensive economy that will

reveal massive cheap energy misuse and waste in the agriculture system; considering community design around live-work-play areas as opposed to commuting; and raising concerns that short-term greed in the energy economic system will lead to further economic class division and injustices. Congress cannot allow our economy to decline to a survival of the richest over the general public without inciting class warfare. We are seeing the beginnings of mass protest worldwide—trucker strikes, etc.

Thoughts on Congressional priorities.

Short-term: Get the Department of Energy to be pro-active. US–DOE has lots of information on their web site but little seems to be circulating in terms of press releases, supplements to K–12 or university education, advice to businesses about how to conserve and make better energy investments leading to sustainability.

Do not give blanket permission to energy companies to use non-renewable resources (e.g. drilling on land, off-shore, sensitive areas, dirty coal, etc.) until a parallel energy use reduction for sustainability system is working. Using our children's and grandchildren's resources to feed the pig of US energy consumption levels and obscene energy company profits now would be immoral.

Do more to expand public education around energy and resource conservation for a sustainable US energy future. This should be a crash project. I wrote to you, Sen. Craig and Rep. Simpson recommending that the 2005 Federal Energy Bill include funding for education. There is not a penny. So market forces (AKA Greed) are driving the energy train now. Coordinate all the players in the energy mess: governments (federal, state, and local); corporations and other businesses; non-government/non-profit organizations (information and advocacy, compassionate action for impacted people); and, organized crime (like Enron-thinking companies who are taking windfall profits). Use principles of social marketing that uses commercial advertising/marketing tools to sell products but for common good purposes (anti-smoking, AIDS prevention, etc.)

Longer/long-term: Get the Department of Energy to be pro-active in developing policy and programs. These folks have not developed viable federal energy policy or jawboned to reduce corporate greed for decades. For example, technology and policy for nuclear power developed into the 70s simply died in favor of status-quo non-renewable resource use and shift of food production (corn) to energy. If the nation could build nuclear bombs and nuclear submarines in crash projects in the past, the nation can do it again!

Support the next President of the United States in collaborating with other nations about energy sustainability worldwide through the United Nations. Revitalize and support treaties and alliances among groups willing to sacrifice and change to achieve sustainability on the planet. Without this effort there will be conflict and violence over competition for dwindling non-renewable resources. Competition for Iraq oil is the tip of the iceberg here.

Actively promote public education, research and development for the two major non-polluting energy sources: nuclear power and solar power. Support renewable energy research into smaller make-a-difference energy contributions such as wind, tidal, geothermal, etc. Support research in related technology such as: high-MPG vehicles, innovative mass transit, and improved batteries to store solar/wind energy, easy-to-use sensors for home and business energy audit (thermal/electrical waste). Pay for energy research by cutting back on spending for fear reduction by violence—reduce military missions in Iraq and Afghanistan and shift to political, diplomatic, economic efforts with other nations involved.

Use the national energy crisis as a lever to re-think the role of corporations. Once corporations were set up to help remove liability from individuals so they would take risk, invest, and build enterprise for America and Americans. Over the past few decades, corporations have lost their social responsibility and think of top management and shareholders as the only stakeholders worthy of decisions. But corporations are the nation's best hope for good jobs and 'doing well by doing good.' If you folk cannot help get corporations back into part of the American dream for all Americans then the masses will push for government shift toward socialism. I lived and worked in the UK for many years and know the stifling effect of an entitlement mentality.

LAURENCE.

I am a Federal Police Officer, and I work at the Department of Veterans Affairs hospital in Boise. I live 50 miles from the VA, so I have a daily commute of 100 miles. My wife and I would consider moving closer to Boise; however, she is a federal employee at the Mountain Home Air Force Base. She has a 20-mile daily commute (roundtrip). I prefer for her to have a shorter commute than me.

We do see the effects of the higher gas prices. I drive a 2002 Ford Ranger 4X4. I never wanted to own a full-size truck, and I am glad I bought the Ranger. However, the best mileage I can get is about 21 mpg. I would hate to sell my truck, because we need it for working on our land. Besides that, it is tough to get a load of lumber at the Home Depot in a little economy car. So, I eat the gas prices and continue to work at my good federal job. We are cutting back on some of the things we like to do, such as go out to dinner, golf, and travel. These are all things that help the economy, and we enjoy doing them. But something has to be done, hence the cutbacks. I am also spending the night in Boise at least one night a week so I can avoid the commute, and the gas station. I do not like being away from my family, but it is another sacrifice I have to make to save at the pump.

I hate to think about the future, as the price of gas will be passed down to food, clothing, and other essential elements of life. I pray that the government will open up drilling, build more refineries, and start building more nuclear plants. We need to cut our ties with OPEC and other corrupt oil-producing countries.

Congress, please help us!

GREG, *Mountain Home.*

I am happy to see you working on the renewable energy efficiency caucus. For 28 years before recent retirement, I founded and owned the first solar electricity equipment business in Idaho, providing electric systems for homes located beyond the reach of power lines, of which there are many in our state. My own home has been primarily powered by solar and wind since 1978.

I would like to point out that Idaho drivers actually do have some important choices available which you did not mention at the start of your newsletter where you said we have no choice but to keep driving. The choice of exactly what vehicle we drive, as well as consolidating travel for efficiency can cut family fuel costs by 25% or more. Traveling in Europe and Central America one sees many fuel-efficient vehicles that are not even available to Americans: the small diesel flatbeds that carry more weight than a pick-up truck and use less fuel to do it (they are slower going up hills). While traveling in Ireland and England for a month last year, we did not see even one standard pick-up truck, for the reason of fuel efficiency. And I did see many quality small cars and scooters that are not imported to the US, such as a motor scooter with seat back and roof by BMW.

I would also question whether your efforts to stifle climate change legislation in trade for avoiding high fuel costs in the short term make economic sense in the long-term interests of US citizens. If what is said of climate change effects comes to pass, those with credentials to know have shown that taking no action to mitigate those effects now may not be in the best interests of the country or our descendents. Please consider the long range balance of benefit here.

I have watched inventors working on their own electric cars (Orin Bridges, now deceased, here in Sandpoint converted his car to electric plug-in and drove it 15 miles to town and back in the 1990s, and recharged it from solar panels on the roof of his mountain house). I have seen buses of college kids come through teaching classes on bio-diesel, which powered the bus they traveled in, also around year 2000. And for decades I sold and installed solar electric modules as the most economical power option for people living over half a mile from the nearest power line.

Now that world fuel production has not increased for three years running and fuel demand and prices are rising, we are seeing tremendous mainstream progress in looking at sustainable fuel sources and independence from imported oil. Please check the January edition of Scientific American for a national solution for the electric grid that uses technology available today, and costs no more than the Iraq war has cost to date.

STEVE.

TRIBUTE TO CENTRAL HIGH SCHOOL

Mr. LEVIN. Mr. President, I have the honor of rising today to recognize an important part of Detroit's public education, my alma mater, Detroit Central High School, which is celebrating the 150th anniversary of its opening.

Since 1858, when the first 24 students entered a single classroom, thousands of students have passed through its doors. It was originally conceived to help prepare students to study at the University of Michigan, then just a few decades old itself. Today, Central has been continuously accredited by the University of Michigan for more than 135 consecutive years.

It has occupied the current location at Tuxedo Avenue and La Salle Boulevard for more than 80 years. I was fortunate to study and walk the halls there for 4 of those years.

Central alumni have gone on to win a Nobel Prize and win Grammy Awards; make countless contributions to the Detroit community and to Michigan; own professional sports teams and play professional sports; and fight on behalf of our Nation in war, sometimes making the ultimate sacrifice.

In all these pursuits and many more, Central alumni have been challenged to live up to our school's motto, adopted in 1861: Carpe Diem, ''seize the day.'' Our experiences at Central have helped prepare us to do that.

Recently, Central has faced challenges unparalleled in the school's history. School budgets are tighter than

ever, standardized tests offer frustrating assessments of progress, and dropout rates and graduation rates alike moved in the wrong directions. But, thanks to the hard work and commitment of over 1,000 current students and teachers, in the past few years Central has begun an impressive turnaround that is heartening to us alumni.

I offer my congratulations on this 150th anniversary and every hope that Detroit Central High School will continue to provide excellent education and imbue students with the skills and outlook to seize the day and find success in school and in the years that follow.

TRIBUTE TO JUDGE AVERN COHN

Mr. LEVIN. Mr. President, I rise today to recognize a great citizen of Michigan, the Honorable Avern Cohn. Avern has distinguished himself as a leader among leaders in Michigan's legal community and the Michigan community at large. Later this month Avern's synagogue, Congregation Shaarey Zedek, will offer a tribute to him and I am honored to join in recognizing his many accomplishments and contributions to our community life that he has so strengthened and supported.

Professionally, for nearly three decades Judge Cohn has served on the U.S. District Court for the Eastern District of Michigan. He currently serves as the Senior Judge, a position he has held for the past nine years. His quick wit and sharp mind have left a lasting impression on the countless attorneys who have argued before him. Throughout his career, Avern's guiding beacon has been justice, and his legacy is one of true independence and impartiality.

Avern's commitment to justice in Michigan has extended well beyond his courtroom. He is a past director of the Detroit Bar Association, a former trustee of the Detroit Bar Foundation, and served as director of the American Judicature Society. Before he was appointed to the court, he led a successful private practice that continues to flourish today. He also served the people of Michigan in an array of positions including as chairperson of the Michigan Civil Rights Commission, chairperson of the Detroit Board of Police Commissioners, and as a member of the Michigan Social Welfare Commission.

As a member of the board of trustees of Shaarey Zedek, a former president of the Jewish Welfare Federation of Metropolitan Detroit, and a past vice president of the American Jewish Committee, Avern has used his intellect and drive to the great benefit of our Jewish community. He has also helped bring the focus and resources of these organizations to the fight for the poorest and most vulnerable among us. He is a mensch in the truest sense: his wholehearted dedication to a host of noble causes has marked his character and his life.

I should mention as well that it was Avern's father who introduced my parents to each other. I am proud to call Avern my cousin.

Avern is recognized far and wide as a rarity. All who have known him, who have had the good fortune to work with him, or who have come before him are appreciative of his unique commitment to doing what is right. Many who have never heard his name have benefited and will continue to benefit from his lifetime of good deeds. Barb joins me in offering our thanks and congratulations to Avern. Mazel Tov!

ADDITIONAL STATEMENTS

SACRAMENTO RIVER CATS TRIPLE-A CHAMPIONSHIP

• Mrs. BOXER. Mr. President, I am pleased to recognize the 2008 Minor League Triple-A baseball champions, the Sacramento River Cats.

On September 16, 2008, the Sacramento River Cats, of the Pacific Coast League, PCL, defeated the Scranton/Wilkes-Barre Yankees, of the International League, 4 to 1 in the Bricktown Showdown to become back-to-back Triple-A champions. Sacramento is the Triple-A affiliate of the Oakland Athletics.

The Sacramento River Cats finished the regular season atop the Pacific Coast League Southern Division with a record of 83 wins and 61 losses. The River Cats were assisted this season by their always faithful fan base, which has led Triple-A in attendance for nine consecutive seasons.

In the opening playoff series between the River Cats and the Salk Lake City Bees, the River Cats excelled by scoring 39 runs en route to a 3-games-to-1 series victory. The series victory demonstrated the River Cats' depth of talent as four starting pitchers, four relief pitchers, two infielders, and one outfielder were called up to the Oakland Athletics before the series began.

In the Pacific Coast League Championship Series, the River Cats defeated the Texas Rangers Triple-A affiliate Oklahoma City Red Hawks, winning the series three games to one to repeat as PCL champions. During this series, the River Cats proved their ability to perform on the road by achieving two of their three victories in Oklahoma. The win also earned the River Cats their fourth Pacific Coast League Championship in the last 6 years.

In the Triple-A championship game, River Cats manager Todd Steverson showcased his talented pitching staff. The River Cats used six pitchers who combined for nine strikeouts while only giving up a single run. The victory gave the Pacific Coast League all three of the Triple-A championships since the Triple-A championship game was reinstated 3 years ago.

As the River Cats' fans, players, and staff gather to celebrate this remarkable accomplishment, I would like to congratulate them on an outstanding season.•

NORTH CAROLINA AZALEA FESTIVAL

• Mr. BURR. Mr. President, I recognize the 62nd North Carolina Azalea Festival, NCAF, which will be held from April 1–5, 2009, in the Greater Wilmington area.

The Azalea Festival is a showcase for Wilmington's rich array of artwork, gardens, history and a testimony to the rich heritage of coastal Carolina. This year's celebration marks the 50th anniversary of the Azalea's Festival's name being changed from the Wilmington Azalea Festival to the North Carolina Azalea Festival.

The NCAF is Wilmington's annual community celebration and the largest festival of its kind in the State. This festival encourages volunteerism and civic participation as it contributes to the region's economy and promotes the unique qualities of Wilmington's river-to-the-sea community.

The festival's concerts, fairs and special events are viewed by more than 1 million people each year, in person and through media coverage. More than 200,000 people are estimated to attend the annual 2-day street fair, while more than 100,000 gather to watch the festival parade.

It takes an extensive volunteer network to run the NCAF. More than 1,000 volunteers are needed to stage over 125 events ranging from concerts to art shows, a street fair with interactive displays, home and garden tours, a parade, special exhibits, a circus, and a variety of other entertainment and events.

The NCAF generates an additional approximate $5 million to the area's economy and the Southeast Tourism Society selected the NCAF as one of its top 20 events for the second year in a row.

I am pleased to recognize the unique cultural and historical contributions of the 62nd annual North Carolina Azalea Festival.•

RECOGNIZING GULFSTREAM AEROSPACE CORPORATION

• Mr. CHAMBLISS. Mr. President, I wish to acknowledge an important occasion in the history of Savannah, GA, and the business-aviation industry—the 50th anniversary of Gulfstream flight.

Gulfstream Aerospace Corporation got its start in 1958 when Grumman Aircraft Engineering Company, a company known for military aircraft production, developed the first aircraft specifically designed for business travel.

On August 14, 1958, Grumman test pilots Carl Alber and Fred Rowley took that aircraft—the twin-engine turboprop Gulfstream I—on its maiden flight over the company's headquarters in Bethpage, NY. After 800 hours of additional testing, the G–1 received Federal Aviation Administration certification on May 21, 1959.

The G–1 laid the foundation for the future of Gulfstream Aerospace. Five decades after that first flight and more than four decades after moving to Savannah, Gulfstream has manufactured more than 1,800 aircraft. The company's jets have been used to train NASA crew members, transport top Government officials, and support our Armed Forces, making Gulfstream a vital part of America's aerospace industry.

Gulfstream also plays a key role in the city of Savannah, where its workforce has grown from just 100 employees in 1967 to more than 6,000 today, making it the largest manufacturing employer in the city. That workforce is expected to grow even more in years to come thanks to a 7-year, $400 million-plus Long-Range Facilities Master Plan that includes at least 1,100 new jobs.

I am delighted to recognize the golden anniversary of Gulfstream flight and to congratulate its employees on their many contributions to the community, the country, and the worldwide aviation industry. With the help of its employees, Gulfstream has become a corporate citizen of the highest standard. I commend Gulfstream Aerospace on all their achievements and look forward to their continued success in the city of Savannah and the great State of Georgia.●

EMPLOYEE BENEFIT RESEARCH INSTITUTE

● Mr. GRASSLEY. Mr. President, I would like to take a few moments today to pay tribute to the Employee Benefit Research Institute, or EBRI, on the occasion of its 30th anniversary. EBRI is a well-known, nonpartisan research institution providing invaluable analysis, briefings, and publications on health and retirement issues, which are critically important to both America's workers and the employers that sponsor these benefits. The high-quality and objective work done by EBRI has won it respect within the halls of Congress, among members on both sides of the aisle in the House of Representatives and in the Senate. On EBRI's anniversary, I wish to register my appreciation for its work and my admiration for its commitment to issues relating to employee benefits. I commend EBRI for the valuable contribution the institution has made to policymaking in the all-important areas of retirement, health, and economic security, and wish EBRI continued success in the future.●

BETTENDORF COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Bettendorf Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Bettendorf Community School District received a 2001 Harkin construction grant for $75,000 which it used for a fitness education center and a 2002 Harkin fire life safety grant for $150,000 which was used for an addition to the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Harrison Cass, Jr., former superintendents Marty Lucas and John Perdue, the entire staff, administration, and governance in the Bettendorf Community School District. In particular, I would like to recognize the leadership of the board of education—president Barry Anderson, vice president Jeannine Crockett, Paul Castro, Barb Ehrmann, Melinda Duncan Foreman, Betsy Justis, Scott Tinsman and former board members Debbie Roski, Richard Wahlstrand, Dean Arney, Tom Luton, Kathy Weigle, and Steve Mayer.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Bettendorf Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

CRESTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Creston Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Creston Community School District received a 2002 Harkin grant totaling $1 million which it used to help with renovations to convert the middle school into an early childhood education center. This project was part of a comprehensive facility plan for the district which included a new K–8 school and an addition to the high school. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a 1998 fire safety grant totaling $60,862 to install fire alarms, improve accessibility, and update electrical systems throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Creston Community School District. In particular, I would like to recognize the leadership of the board of education—president Bob Deranleau, vice president Stacy Wood, Randy Hughes, Chad Briley, and Brian Strider, and former board members Dr. Bob

Kuhl, Bobbie McFee, Barb Wilmeth, Callie Bruce, and Rich Flynn. I would also like to recognize superintendent Tim Hood, business manager Don Krings, maintenance director Gary Briley, and the many individuals involved in the effort to pass the bond referendum.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Creston Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

FOREST CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Forest City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Forest City Community School District received several Harkin fire safety grants totaling $200,000 which it used for improvements to the fire safety systems in the elementary, middle and high school buildings including fire exits, smoke and heat detectors, strobe lights, emergency lighting and other repairs. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Darwin Lehmann, former superintendent Dwight Pierson, the entire staff, administration, and governance in the Forest City Community School District. In particular, I would like to recognize the leadership of the board of education—president Susan Shaw, vice president Cynthia Carter, Dave Bartlett, Keila Buffington, Julie Farland, Sandra Lillquist, and Arlyn Midtgaard, and former members Rick Juhl, Laura Oanes, Gary Ludwig, and Deb Lund. District staff who were instrumental in the application and implementation process include Paul Jefson and his maintenance staff.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Forest City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

FORT MADISON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Fort Madison Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Fort Madison Community School District received several Harkin grants totaling $1,994,880. The district received three construction grants totaling $1,444,880 to help with several projects including an addition and renovations to Fort Madison High School to improve English, history and science classrooms, an addition to Richardson Elementary School and improvements at Lincoln Elementary School. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received five fire safety grants totaling $550,000 to make improvements in several schools.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Fort Madison Community School District. In particular, I would like to recognize the leadership of the board of education—Peggy Booten, George Wheeler, Judy Gerdes, Duane Sherwood, Don Ward, Denise Gray and Rob Hogan and former board members Dan Davis, Carolyn Smith, John Noller, Martha Wolf, Gary Steflik, Betty Decker, Kitty Garner, Chris Logan, Gary McVey, Linda Fischer, Lori Meierotto and Steve Martin. I would also like to recognize superintendent Dr. Kenneth Marang, former superintendent Linda Brock, former high school principal Bernie Stephenson, Richardson principal Vicky Stephenson, former Lincoln principal Bob Carr and director of facilities and maintenance Kevin Moon.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Fort Madison Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

HARMONY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Harmony Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Harmony Community School District received several Harkin grants totaling $1,198,374. A 2000 construction grant for $315,799 was used to help build an addition to the elementary school in Bonaparte and to renovate the historic school. A 2002 grant for $757,575 helped build an addition to the high school which included a computer lab. This grant also enabled the district to make renovations to the middle school and high school facilities and to install a new HVAC system at the high school. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received four fire safety grants totaling $125,000 to make improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Harmony Community School District. In particular, I would like to recognize the leadership of the board of education—Dennis Grossman, Tracey Hudson, Tina Denly, Cody Warth and Bill Rice and former board members Burton Mills, Barb Wellman, Dave Drummond, Myron Helmers, Steve Adam, Matt Mitchell and David Hellwieg. I would also like to recognize superintendent Joe Hundeby, former superintendents Alan Marshall and Kelly Rogers.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Harmony Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

INTERSTATE 35 COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Interstate 35 Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Interstate 35 Community School District received a 1998 Harkin grant totaling $250,000 which it used to help build a classroom addition to the school in Truro. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 2003 fire safety grant for $11,467 to install smoke and heat detectors and make other repairs in the school.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Interstate 35 Community School District. In particular, I would like to recognize the leadership of the board of education—President Leah Gray, vice president Julie Brownlee, Bret Smith, Bruce McCuddin and Ken Stanley and former board members Bill Seibert, Alan Brommel, Van Brownlee, Tim Porter and Charlie Walters. I would also like to recognize superintendent Bill Maske, former superintendent Henry Eggert, business manager Lisa Brown, middle school principal Sharon McKimpson, former high school principal Tom Dannen, former elementary school principal Terrie Price and former building and grounds director Dick Downing.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Interstate 35 Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

LAURENS-MARATHON COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Laurens-Marathon Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Laurens-Marathon Community School District received several Harkin fire safety grants totaling $100,000 which it used to make extensive upgrades in their school facilities, including new emergency lighting, doors and hardware. Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Laurens-Marathon Community School District. In particular, I would like to recognize the leadership of the board of education, president Nancy Fuchs, vice president Deb Kenobbie, Dr. Brett Fehr, Terry Gunnarson and Bridget Bailey, and former members, Brett Barglof, Thaine Hopkins, Tom Schmidt, Karen Lind, Kelly Snyder, and Ken DeYoung. I would also like to recognize superintendent Iner Joelson, former superintendents Dan Braunschweig and Michael Wright, business manager Sue Wenell, and head custodian Jim Hodgell.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Laurens-Marathon Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.•

LOUISA-MUSCATINE COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Louisa-Muscatine Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Louisa-Muscatine Community School District received Harkin grants totaling $586,453. The district received a 2000 Harkin grant totaling $500,000 which it used to help build an addition to the junior/senior high school which included upgrading the heating and air-conditioning system to an energy efficient geothermal system. In 2001 and 2002, fire safety grants were awarded to the district to make improvements to the electrical wiring, install heat and smoke detection units, and update emergency lighting to assure the security of students, teachers, and staff. This school is the modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Louisa-Muscatine Community School District. In particular, I would like to recognize the leadership of past and present members of the board of education, Mark H. Carroll, Charles K. Clark, Dwayne Paul, Sue Hills, Randy Schultz, J. Riley Padgett, David Bieri, Angie Kemp, and Eric Schultz . I would also like to recognize superintendent Scott Grimes, former superintendent Mike Kortemeyer, and principal Roger Roskens.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Louisa-Muscatine Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.•

MOUNT PLEASANT COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Mount Pleasant Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—

everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Mount Pleasant Community School District received a Harkin fire safety grant totaling $150,000 which it used to install fire and smoke detectors in the middle school, Salem Elementary and WisdomQuest facilities. The Federal grant has made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Mount Pleasant Community School District. In particular, I would like to recognize the leadership of the board of education, president Regina Erickson, vice president Lois Roth, Brad Holtkamp, Chris Prellwitz, John Scheetz, Ken Feldmann, and Melodee Yaley, and former members, David McCoid, Arlo Sandersfeld, Sharleen Bertling, Steve Wettach, and Lois Crane. I would also like to recognize superintendent John Roederer and director of buildings and grounds Mark Porth.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Mount Pleasant Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

MUSCATINE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Muscatine Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Muscatine Community School District received Harkin grants totaling $2,600,250 which it used to help modernize and make safety improvements to schools throughout the district. The district received three construction grants totaling $2,010,250 to help build additions at Mulberry Elementary School, McKinley Elementary School, and Muscatine High School and to renovate the middle school. The district received three fire safety grants totaling $590,000 to make safety improvements in several schools in the district. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Muscatine Community School District. In particular, I would like to recognize the leadership of past and present members of the board of education, Tom Welk, Kris Weis, Bob Torgerson, Nancy Byrnes, Paul Reeb, Ann Hart, Robert Leech, Paul Brooks, Clyde Evans, Robin Krueger, Jerry Lange, Joyce Haller, and Tammi Drawbaugh. I would also like to recognize superintendent Dr. Tom Williams.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Muscatine Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

NORWALK COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Norwalk Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Norwalk Community School District received several Harkin grants totaling $2,420,788 which it used to help modernize and make safety improvements throughout the district. The district received three construction grant totaling $2 million. The first grant helped build additions to Oviatt Elementary to provide a new media center, a technology lab and two kindergarten classrooms to ensure adequate space for all-day kindergarten. The second two grants helped build Eastview School to serve 8th and 9th grade students and construct corridor links to the middle school with the high school. The connecting corridors provide a pathway for the sharing of educational services between the three school buildings. In all of these building initiatives, the grants were key catalysts to transition the projects from a vision to reality. The school board and administration could easily

demonstrate a need. Once the construction grants had been awarded, the community responded by providing the local matching funds necessary to complete the projects. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

The district also received five fire safety grants totaling $420,788 to upgrade fire alarm systems, to install fire doors, emergency lighting and make other repairs at schools throughout the district to meet current fire safety compliance. Without the assistance of the grants, many of the safety improvements would not have become a reality. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Norwalk Community School District. In particular, I would like to recognize the leadership of the board of education president Katherine Schmidt, Tom Phillips, George Meinecke, Deborah Hobbs and Rick Kaul and former board members Diane Shivvers and Deb Ostrem. I would also like to recognize superintendent Dr. Dennis Wulf, former superintendent Anne Laing, business manager Kate Baldwin, high school principal Dale Barnhill, Eastview principal Mary Crady, middle school principal Ken Foster, former Oviatt principal Ed Johnson and buildings and grounds staff Tom McLaughlin and Richard Sleeth.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Norwalk Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

PRESCOTT COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Prescott Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Prescott Community School District received several Harkin fire safety grants totaling $127,188 which it used for improvements to the fire safety system including fire doors and exits, electrical work, sheet rock paneling, smoke and heat detectors, and emergency lighting. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Steven Callison, former superintendents Graham Quinn, Mac McKown, and Eric Wood, the entire staff, administration, and governance in the Prescott Community School District. In particular, I'd like to recognize the leadership of the board of education Marnie Cline, Doug Birt, Randy Cooper, Brian Fitzgerald, former members Karl McCarty, Kevin Schafer, Kathy West, Cheryl Blazek, Matt Wood, and Wayne Laird and custodian Mary Adkins, who was instrumental in the implementation of the grants.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Prescott Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

RUDD-ROCKFORD-MARBLE ROCK COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Rudd-Rockford-Marble Rock Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Rudd-Rockford-Marble Rock Community School District received a 2002 Harkin grant totaling $60,865 which it used to help correct problems throughout the building due to ground water seepage and flooding. The district also received a 2004 fire safety grant totaling $17,640, to install electromagnetic door holders at the elementary and junior and senior high schools. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Rudd-Rockford-Marble Rock

Community School District. In particular, I would like to recognize the leadership of the board of education, president Harm Eggena III, vice president Angie Johnson, Bea Volk, Tim Trettin, and Wendy Fullerton, and former members, Rick Demaray, Scott Woodruff, Gary O'Connor, Terri Engels, Ann Sullivan, Bill Dolan, Lisa Paulus, and Pat Rooney. I would also like to recognize superintendent Steve Ward, former superintendent Gary Schwartz, director of buildings and grounds Norm Kelly, board secretary Janice Kuhlers, Neil Fullerton, and Neil Wedeking.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Rudd-Rockford-Marble Rock Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

WEST DES MOINES COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the West Des Moines Community School District and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The West Des Moines Community School District received two Harkin fire safety grants totaling $332,011 which it used to make fire safety repairs at the Walnut Creek Campus and at Fairmeadows Elementary School. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the West Des Moines Community School District. In particular, I would like to recognize the leadership of the board of education—president Mark Lyons, vice president Terry Tobin, Barbara Burnett, Jill Hansen, Susan Moritz, Tom Suckow, and H. Milton Cole, and former board members Jim Aipperspach, Jane Fogg, Curt Lack, Pete Leo, John Paule, Jeanne Taylor, John Ambroson, Gretchen Tegeler, and Deb Thomas. I would also like to recognize superintendent Tom Narak, former superintendent Les Omotani, former associate superintendent Galen Howsare.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the West Des Moines Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

RETIREMENT OF LYNN CARPENTER

● Mr. JOHNSON. Mr. President, today I recognize and commend the service of Lynn Carpenter of South Dakota. Mr. Carpenter is retiring from the Department of Veterans Affairs after over 34 years of honorable service to the agency.

Lynn began his career with the Department of Veterans Affairs in 1974 after serving with the United States Army for 2 years. He continued his service in the National Guard for 18 more years, retiring in 2005. Lynn has served in various positions within the VA system, most recently as the Veterans Service Center Manager at the Sioux Falls VA Regional Office.

During his tenure with the VA, Lynn has been an invaluable resource for veterans and their families. He has provided important counsel and advice to VA officials, veterans service officers and congressional members and their staff on a range of issues. Throughout his time with the VA, he has seen many changes in the system and was able to address the ever changing needs and concerns of veterans and their families.

I have appreciated Lynn's willingness to take the time to answer questions and concerns from my staff members. I commend his dedication and commitment to making sure every veteran's case or question was always handled in a timely manner. Lynn can take great pride in his work during his Federal service career. In his retirement, he will spend more time fishing at his lake home in Big Stone. I wish Lynn, his wife Debbie, and their family all the best in retirement. It is with great honor that I share his impressive accomplishments with my colleagues, and I thank him for his service to this Nation and its veterans.●

BLUE WATER CREEK MASSACRE

● Mr. JOHNSON. Mr. President, today I wish to speak in regards to the Blue Water Creek Massacre of 1855. On September 3, 1855, while camped near the Blue Water Creek in present day Nebraska, a group of Lakota were attacked by COL William S. Harney and his troops. According to Army records, 86 Lakota were killed and 70 captured. The Battle of Blue Water Creek is also known as the Battle of Ash Hollow or the Harney Massacre according to the Nebraska State Historical Society, which maintains a historical marker, along U.S. 26, 1½ miles west of Lewellen, NE.

There are several historical accounts of what transpired that day in 1855 and the Little Thunder Tiospaye contacted me because they seek to commemorate and to preserve for future generations the history surrounding Mni To Wakpala—Blue Water Creek. They are the direct lineal descendants of Wakinyan Cikala—Little Thunder—a man who was amongst the leaders of that Lakota camp destroyed 153 years ago. Additional leaders who survived that morning include Iron Shell, Spotted Tail, and Red Leaf, each of whom also bore lineal descendants living upon Sicangu territories today.

According to the family, oral history passed down through generations tells the story of the younger Little Thunder, a boy who survived the Massacre and subsequently journeyed to join his relatives once again. Without his survival, the Little Thunder Tiospaye

would not exist today. I would like to recognize their work as they seek to honor their ancestors by collecting historical accounts, and locating important artifacts from this time in history. Accordingly, the Lakota language includes an expression that fits their mission: Hecel lena Oyate kin nipi kte, so that our people may live.●

TRIBUTE TO GEORGE WARRINGTON

● Mr. LAUTENBERG. Mr. President, in light of today's historic vote on the Amtrak reauthorization legislation, I wish to honor a great transportation leader and a son of New Jersey George Warrington, who passed away at his home in Mendham, NJ, on December 24, 2007. During a public service career that spanned more than 30 years, Mr. Warrington held an influential and decisive role in the development and continued success of public transportation systems not just in our State of New Jersey but throughout the entire region. His role in the early development of NJ Transit helped make the agency what it is today one of the largest and most successful transit agencies in the country.

George Warrington's contributions to public transportation cannot be overstated. His work to secure funding for NJ Transit in the 1970s was crucial to the creation and early development of the agency. He later served as vice president and general manager of NJ Transit's rail operations and brought a necessary focus on customer service, ontime performance, and repairing the rail system's infrastructure. He worked tirelessly to expand regional rail capacity by adding additional seating in cars and parking spaces at stations across the State. He also promoted the development of new rail lines, such as the Midtown Direct Montclair service and Newark Light Rail extension, and he spearheaded the addition of key rail stations such as Hoboken Terminal and Secaucus Junction. These initiatives were central in creating and maintaining a successful public railroad transportation system in New Jersey and the surrounding region, and I was proud to secure Federal funding for these efforts.

George's efforts on one project, in particular, will help secure the economic future of the New Jersey-New York region and that is the new Hudson River Rail Tunnel. Also called the Trans-Hudson Express, THE, Tunnel, part of the Access to the Region's Core, ARC, Project, this new rail tunnel will ensure that travel between New Jersey and Manhattan by rail will be available well into the future. Existing tunnels are already at capacity during peak hours, with trains moving through them at a rate of one every 2½ minutes. Without this new tunnel, our region's economy will suffer. New Jerseyans would lose out on a convenient and environmentally friendly way to commute to work into New York City and New York City would lose out on a strong and dedicated labor pool of New Jersey workers. George garnered critical early support for the new tunnel project from both sides of the river, a feat acknowledged by many experts as vital to the project.

George Warrington also listened to passengers and employees, a critical feature of any successful organization. He considered their input in new rail car designs, such as the popular new multilevel cars. These rail cars eliminate the dreaded ''third seat,'' while adding to the overall number of seats in the car.

For several years, George also served as executive director of the Delaware River Port Authority, which governs the Delaware River port system, four major vehicle bridges in the region, and the PATCO rail system. He is credited with speeding up project delivery times and managing the conversion to collecting tolls in just one direction on the bridges.

George Warrington must also be recognized for his significant contributions to national transportation as Amtrak's corporate president and CEO and chief executive of its Northeast corridor. He was instrumental in the launching of Acela Express, the nation's first high-speed rail line, as well as carrying out the completion of the electrification of the entire Northeast corridor rail line between Boston and Washington, DC, another project I was proud to secure Federal funding for. The Northeast corridor now offers the country's premier high-speed rail service and carries more passengers than all of the airlines combined between key northeastern cities. George will always be remembered as an important advocate of a strong national rail system.

Mr. President, while George Warrington passed away on December 24, 2007, his legacy lives on through his family and through his lasting contributions to the rail industry both in New Jersey and throughout the Nation. On behalf of the people of New Jersey, I am proud to commemorate his many achievements to make New Jersey and our Nation a better place and convey our best wishes to his family and friends.●

HONORING REV. DR. WALTER SOBOLEFF

● Ms. MURKOWSKI. Mr. President, when Americans think about what they most admire about my home State of Alaska, the breathtaking scenery first comes to mind. What I most admire about my home State of Alaska are the people, and in particular our Native Elders.

Our Elders are the bearers of our uniquely Alaskan culture. They have accepted the responsibility of ensuring that succeeding generations know where they came from. They preserve and transmit the traditions that make Alaska different from anyplace else.

Looking at the face of an Alaska Native Elder is like looking at the concentric rings in the trunk of a tree. Every line on that face represents a precious slice of Alaska history.

It would be a vast understatement to characterize the Elders as witnesses to Alaska history. They are the living embodiment of Alaska's history. They were the first generation of Alaskans to experience and adapt to the challenge of living in two worlds. They have come to embrace the traditional world of subsistence and the modern world of the Internet in the same breath. Some like the individual I speak about today have devoted their lives to preserving Alaska Native languages as spoken and written languages for all eternity.

Today I pay tribute to a most respected Tlingit Elder, the Reverend Doctor Walter Soboleff, who will celebrate his 100th birthday on November 14, 2008. Walter Soboleff was born on a small island called Killisnoo near Admiralty Island in Southeast Alaska. His father was the son of a Russian Orthodox priest serving in Southeast Alaska. His mother, a Tlingit Indian. Four languages were spoken in his home: Russian, German, English, and Tlingit.

Walter Soboleff was educated at a US Government Indian school on his island and subsequently at the Sheldon Jackson School in Sitka. Several years after graduating from Sheldon Jackson with a high school diploma he enrolled at Dubuque University in Iowa, receiving a bachelor's degree in education in 1937 and a divinity degree in 1940.

Ordained as a Presbyterian minister he returned to Southeast Alaska to take the pulpit at the Memorial Presbyterian Church in Juneau. The church, which was built to minister to the Tlingit people, opened its doors to all. Its congregation included Caucasians and African Americans, and Filipinos as well as Haidas and Tsimshians.

We take diverse congregations like this for granted in 21st Century Alaska. It must be remembered, though, that Jim Crow racial segregation laws and practices were quite prevalent in pre-World War II Southeast Alaska.

Reverend Soboleff emerged a key player in the maintaining and enhancing the Tlingit culture, serving seven terms as President of the Alaska Native Brotherhood and broadcasting church services in Tlingit on the radio. From 1962–1970 he took his ministry to the water traveling on mission vessels to Native villages, logging camps and Coast Guard facilities in the archipelago of islands that make up Southeast Alaska.

In 1952, Reverend Soboleff accepted a commission in the Alaska Army National Guard, serving as Chaplain for 20 years, retiring with rank of Lieutenant Colonel on February 1, 1973.

In 1970, Walter Soboleff founded the Alaska Native Studies Department at the University of Alaska Fairbanks. He

taught Tlingit history, language and literature, retiring again in 1974.

You may have discovered that it is difficult to use the words retirement and Walter Soboleff in the same sentence. Every time Walter Soboleff retires he embarks on a new and ever more vital project.

Awarded an honorary Doctor of Divinity by Dubuque University in 1952 and an honorary Doctor of Humanities by the University of Alaska Fairbanks in 1968 he continues to serve as Pastor Emeritus of the Northern Lights United Church in Juneau and as a member of the Board of Trustees of the Sealaska Heritage Foundation. And lest I forget, he was the first Alaska Native to serve on the Alaska State Board of Education, where he served as chairman.

I think I can speak for the entire Senate in wishing the Reverend Doctor Walter Soboleff a happy 100th birthday. We extend our best wishes to Dr. Soboleff for continued good health and good works.●

RECOGNIZING LARRY G. SALYERS

● Mr. ROCKEFELLER. Mr. President, I wish today to congratulate Larry G. Salyers on his years of service as the manager of Tri-State Airport. Larry's hard work and continuous efforts have greatly enhanced this important regional airport as well as the community it serves. I am honored to have served with him and to share his story with you today.

In December 1975, Larry began working at the airport as Director of Operations and Security. He exhibited extraordinary dedication and hard work and, in March 1980 he was promoted to assistant airport manager. In 1981, he was named acting manager and by May 1982 he was appointed as the airport manager.

Under Larry's leadership, the airport has experienced many positive changes. He has overseen numerous structural renovations in Tri-State's terminal design and the conditions of the runways. At present, the airport is in the process of a major runway extension which will allow Tri-State to continue its reputation for excellence for many years to come. Larry has also diligently worked to ensure that the airport has the best maintenance vehicles and equipment possible.

Throughout his long service, Larry has seen Tri-State Airport through some of the aviation industry's hardest times. He has seen the deregulation of the industry which left many small communities across the country with significantly diminished air service. The September 11 terrorist attacks also had enormous repercussions throughout the aviation business as many airlines went into bankruptcy and new security measures were required at all the Nation's airports. Tri-State, like many small airports across the country, is often the first to feel the pain during trying times for the aviation industry and the last to recover. Despite these challenges, Larry was able to successfully keep everything going, and I am pleased to say that in recent years, Tri-State Airport has seen significant financial and passenger growth. Between 2006 and 2007, passenger traffic increased by 62 percent, and the airport is currently producing its highest boarding numbers in over 13 years. Much of this success can be directly contributed to Larry's efforts to bring Allegiants Air's low-fare flights to the airport. This accomplishment has helped Tri-State Airport to contribute roughly $50 million annually to the local economy.

The hard work and dedication of Larry Salyers personifies the attitude of America and the true nature of West Virginians. When he retires, he will have left Tri-State Airport and the region around the city of Huntington better than it was when he first began his career there over 33 years ago.●

TRIBUTE TO LIEUTENANT GENERAL HENRY A. ''TREY'' OBERING, III

● Mr. SESSIONS. Mr. President, today I honor a great American, a native of Birmingham, AL, LTG Henry A. ''Trey'' Obering III, on the occasion of his retirement after 35 years of dedicated service to our country. His passion for progressing missile defense has been imperative to its success and critical to our national security and the safety of our allies.

General Obering entered the Air Force in 1973 and received his pilot's wings in 1975. From there he went on to become a skilled air-to-air Top Gun-trained F–4E pilot and lead a very distinguished career. As an Air Force captain, General Obering was assigned to the Space Shuttle Program the year before the first orbiter flew into space. General Obering became an important part of this pioneering endeavor and participated in 15 space shuttle launches as a NASA orbiter project engineer.

I want to highlight the critical role General Obering played in developing, testing, and fielding this Nation's ballistic missile defense system. General Obering joined the Missile Defense Agency in December of 2001, the very month the United States announced its withdrawal from the 1972 Anti-Ballistic Missile Treaty, which had seriously impeded the development and deployment of missile defenses. He deserves credit for the tremendous progress our Nation has made in recent years in the field of missile defense. The advancement of all approaches to ballistic missile defense, BMD, including kinetic energy interceptor, KEI, ground-based midcourse defense, GMD, Aegis ballistic missile defense, and terminal high altitude area defense system, THAAD, can be attributed to the hard work of General Obering and those he has led.

Under General Obering's leadership, the Agency addressed current and emerging ballistic missile threats by fielding missile defenses at an unprecedented pace to defend the United States, our deployed troops, and U.S. allies and friends around the world. During his tenure as director, the Agency emplaced ground-based interceptors in Alaska and California, developed and deployed missile defenses to defeat shorter-range threats to our troops and our allies, and successfully modified 18 U.S. Navy Aegis warships to give U.S. military commanders a highly effective regional ballistic missile defense capability.

To demonstrate the effectiveness of our missile defense to our friends, our allies, and, importantly, those that would mean us harm, General Obering presided over a series of historic flight tests of our ballistic missile defense system and spearheaded efforts to train the warfighters employing the system. These tests proved to our allies that we are prepared to defend ourselves and our allies and will pursue technologies to further reduce and eventually eliminate the threat of attack by ballistic missiles.

General Obering has pursued an aggressive development program to address future threats, such as boost phase defenses, space tracking and surveillance, and technologies to destroy multiple threat objects using a single interceptor.

General Obering recognized early on the importance of working with our international partners and he led the expansion of the Department's missile defense cooperative activities. He pursued bilateral programs with Japan, Israel, the Czech Republic, and Poland, among others, as well as multilateral programs with NATO. Working closely with the State Department and the Office of the Secretary of Defense, General Obering's vision and personal engagement resulted in a broad consensus among international leaders, combatant commanders, and the international communities on the growing need to establish long-range missile defenses in Europe.

General Obering has overseen the expansion of the Missile Defense Agency. During his tenure, while executing all of the activities in one of the most important programs in the Department of Defense, the Agency successfully underwent unprecedented organizational changes. Thanks to his guidance, this transition is proceeding smoothly.

General Obering's leadership proved critical during two real-world crises. During North Korea's provocative missile launches in July 2006, General Obering oversaw the Agency's input to the Nation's strategic response and provided situational awareness to the President, combatant commanders, and the missile defense community. His assurances that the Nation had the option of a responsive missile defense capability, had it been necessary, contributed greatly to the maintenance of international stability. And in February 2008, General Obering also led the

Agency's participation in a successful national joint mission to destroy an out-of-control U.S. satellite laden with toxic hydrazine fuel.

General Obering has consistently exemplified a true dedication to our Nation and its ideals. His vision and drive enabled the Missile Defense Agency to field a truly worldwide ballistic missile defense capability that will be a part of this Nation's defensive infrastructure for decades to come. Our Nation owes a debt of gratitude to General Obering for his outstanding leadership and service. I am proud to express my appreciation for his service.●

TRIBUTE TO JAMES HERMAN FAULKNER, SR.

● Mr. SESSIONS. Mr. President, today I pay tribute to James Herman ''Jimmy'' Faulkner, Sr., a friend, who passed away last month. ''Mr. jimmy'' to the scores who knew and admired him, was a great Alabamian who, during his life, served as a mayor, State senator, candidate for governor, newspaper publisher, businessman, and philanthropist.

Born in Lamar County, AL, the son of a schoolteacher and a farmer, he lost his father at the age of 12. He attended college in Tennessee and the School of Journalism at the University of Missouri. At age 20, he purchased The Baldwin Times newspaper and moved to Baldwin County, AL, where he lived his life and became one of, if not the most, well known of its citizens.

Mr. Jimmy served as the Mayor of Bay Minette, AL, from 1941 to 1943, when he was called to serve in World War II as a first lieutenant, pilot, and flight instructor. Following that service, he represented Baldwin County in the Alabama State Senate, where he became an advocate for education and the State's teachers.

He served as Chairman of the Board of Directors for Alabama Christian College in Montgomery, and as a testament to his success in putting that institution in a position of financial stability and his personal generosity, it was renamed Faulkner University in his honor in 1985. Remarkably, because he was instrumental in bringing Faulkner State University, a community college, to Baldwin County, that State university is also named for him. Few persons, if any, have had both a private and State university named in their honor.

Mr. Jimmy believed in Baldwin County. He brought business to the county. A friend of his, Scott Hunter, told me that Jimmy told him in 1990 to buy all the real estate he could in Baldwin County because it would double in population by 2010. And it has. Jimmy was able to predict economic, demographic, and political changes with uncanny accuracy. He lived to know 14 Alabama governors and he wrote, ''We have had some good ones and some not so good. Because of my longevity, it has been my privilege, and usually my pleasure, to have known personally, and been on friendly terms, with every governor back to Bibb Graves.''

During his lifetime, he served as president and founder of two insurance businesses, and owner and publisher of three newspapers in Baldwin County. He was the recipient of more than 35 awards including 8 honorary doctorate degrees.

Jimmy Faulkner was a great man, and a world traveler who visited over 100 countries during his lifetime. He had a unique view of the entire world and the part of it he occupied, and he used that view and his knowledge to make Alabama and our Nation a better place. Those of us who knew him are all better for having shared his interesting life and benefitted from his brilliant mind.●

COMMENDING THE TOWN OF BELK, ALABAMA

● Mr. SESSIONS. Mr. President, today I wish to tell you about the small town of Belk located in Fayette County, AL. While having a relatively small population—205 in 2007—Belt has an abundance of community spirit and people willing to give of their time and energy to make it a better place to live. They exemplify the ''can-do, cooperative attitude which made America great.

I visited Belk in August and was inspired by their attitude and approach. They feel greatly blessed to obtain any assistance, and use it along with their own efforts to maximize the benefits to Belk. They have a Volunteer Fire Department with 15 active members that purchased a new fire truck in 2001 with a grant and have since purchased 2 additional pumper-service trucks.

In 2004, they built a fine new Community Center using a grant from the State of Alabama and a loan of $48,000. Holding a number of fundraising activities, including a gospel singing, silent, auction, golf tournament, and bluegrass festival, they have reduced that loan balance to $15,230. Every second Friday night they have a bluegrass festival at the center and volunteers donate food to be served in the kitchen. All revenues go to pay on the center's debt and everyone has a wonderful time.

In addition, in 2005 they constructed a community storm shelter using a small grant of $52,000 from FEMA. The design work was donated by a local contractor, and local tradesmen donated their time to do plumbing, electrical and water line work.

This past spring they built a new outdoor stage using donations from corporations and local businesses for the design and materials, and the labor of local volunteers for the construction.

This is the kind of volunteer effort, self-help, and love of community that I grew up knowing. It is still a common trait of small communities in Alabama, but, frankly, is being lost too often today. Belk has taken on the task of making their piece of America a better place to live. I would like to commend Mayor Ronald Waldrop, who sets the example, and every citizen who has volunteered their efforts to the greater good. I am truly honored to represent such people. They are men, women, and youth of faith, integrity, and hard work. Such are the people who have made America great.●

HONORING ALVINA ELIZABETH SCHWAB PETTIGREW

● Mr. THUNE. Mr. President, today, out of a sense of pride and gratitude, I wish to recognize the remarkable yet unheralded work of a group of women who quite literally saved innumerable lives and made a notable contribution to the Allied victory during World War II. One might wonder what has taken us so long to honor a group of women whose efforts date back over 65 years. The reason is that the nature of their work was so secret, the women were warned that they could be shot for treason if they ever revealed their activities. And so they didn't. As a result, they never received the recognition they deserved.

I am speaking of the WAVES (Women Accepted for Voluntary Emergency Service), who played an instrumental role in cracking the complex codes that the Germans used to radio instructions from German headquarters to the submarines that were sinking Allied ships. And when I said I was speaking out of a sense of pride, it is because Alvina Elizabeth Schwab Pettigrew from my home State of South Dakota was among this determined group of heroes.

Alvina was born in 1919 on a farm near Mina, SD. She completed grades 1–8 in a one-room schoolhouse and graduated from Mina High School. She received a scholarship to Grand Island Business College in Nebraska in 1936. But in 1942, this everyday American embarked on a journey that would call her to do extraordinary things in the service of our Nation.

Alvina enlisted in the WAVES in October 1942 and was sent to Stillwater, OK, for 3 months of training. Following graduation, orders arrived for her to report to the Naval Communications Annex in Washington, DC. In nondescript buildings now housing the U.S. Department of Homeland Security, more than 600 WAVES labored secretly in support of the war effort. German U-boats had been sinking Allied ships at alarming rates. Between January and March 1942, the Germans sank 216 ships off the east coast alone. But the Americans, improving on cryptological breakthroughs by the Poles and the British, finally cracked the German codes. The WAVES were the ones who actually operated the machines that deciphered the codes. They had the German U-boat fleet fighting for its life. The WAVES ran the machines around the clock. The noise was headsplitting, the summer heat sweltering. But they forged ahead, knowing that American lives were at stake.

Although one could argue that the honor does not begin to match the magnitude of the achievement, Alvina and the other WAVES are being recognized through a public arts project in the Cathedral Heights neighborhood of Washington, DC. A turn-of-the-century ''call box'' that once housed fire emergency equipment will contain a portrait of Alvina Schwab Pettigrew and a description of what the WAVES did in the Navy Annex just 200 yards away. It is a lasting tribute to the women who turned the tide on the Germans and helped the Allied forces win the war. I am proud that a South Dakotan is being honored in this way and that I am able to convey to Alvina and the WAVES a belated thank-you from a most grateful Nation.●

REPORT TO EXTEND THE PERIOD OF PRODUCTION OF THE NAVAL PETROLEUM RESERVES FOR A PERIOD OF THREE YEARS FROM APRIL 5, 2009—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2009, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 2, 2008*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

S. 431. An act to require convicted sex offenders to register online identifiers, and for other purposes.

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

S. 1276. An act to facilitate the creation of methamphetamine precursor electronic logbook systems, 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. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, 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 child predators.

S. 2304. An act 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.

S. 2816. An act to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

S. 3082. An act 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''.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

S. 3296. An act 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.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

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.

S. 3550. An act to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''.

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3598. An act to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

S. 3605. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

H.R. 928. An act to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

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. 2786. An act to reauthorize the programs for housing assistance for Native Americans.

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.

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.

H.R. 6849. An act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 160. An act to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 642. To establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1485. An act for the relief of Esther Karinge; to the Committee on the Judiciary.

H.R. 2535. An act to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2583. An act to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2994. An act to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3018. An act to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3019. An act to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3036. To reauthorize and enhance the National Environmental Education Act, and

for other purposes; to the Committee on Environment and Public Works.

H.R. 3174. An act 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; to the Committee on the Judiciary.

H.R. 3299. To provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3336. An act to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 3402. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Commerce, Science, and Transportation.

H.R. 3849. An act to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah; to the Committee on Energy and Natural Resources.

H.R. 5030. An act for the relief of Corina de Chalup Turcinovic; to the Committee on the Judiciary.

H.R. 5243. An act for the relief of Kumi Iizuka-Barcena; to the Committee on the Judiciary.

H.R. 5244. An act to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5335. An act to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5352. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

H.R. 5443. An act to improve defense cooperation between the Republic of Korea and the United States; to the Committee on Foreign Relations.

H.R. 5611. An act to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5736. An act to designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic; to the Committee on Veterans' Affairs.

H.R. 5772. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5853. An act to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6064. To encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

H.R. 6159. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6176. An act to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 6323. An act to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6406. An act to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6585. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6604. An act to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6625. An act to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Rules and Administration.

H.R. 6685. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Indian Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on Rules and Administration.

H. Con. Res. 214. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur ''Jack'' Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

H. Con. Res. 223. Concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on the Judiciary.

H. Con. Res. 239. Recognizing and acknowledging the important role of adoption, and commending all parties involved, including birthparents who carry out an adoption plan, adoptive families, and adopted children; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 255. Concurrent resolution expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated; to the Committee on Foreign Relations.

H. Con. Res. 351. Concurrent resolution honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783; to the Committee on the Judiciary.

H. Con. Res. 360. Concurrent resolution 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; to the Committee on the Judiciary.

H. Con. Res. 371. Concurrent resolution strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes; to the Committee on Foreign Relations.

H. Con. Res. 374. Concurrent resolution supporting Christian, Jewish, and Muslim interfaith dialogue that promotes peace, understanding, unity, and religious freedom; to the Committee on Foreign Relations.

H. Con. Res. 376. Concurrent resolution congratulating the 2007-2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; to the Committee on the Judiciary.

H. Con. Res. 386. Concurrent resolution recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence; to the Committee on the Judiciary.

H. Con. Res. 388. Expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with reasonable information on how to register to vote and vote in the 2008 general elections; to the Committee on Rules and Administration.

H. Con. Res. 393. Concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 405. Concurrent resolution recognizing the first full week of April as ''National Workplace Wellness Week''; to the Committee on the Judiciary.

H. Con. Res. 408. Concurrent resolution recognizing North Platte, Nebraska, as ''Rail Town USA''; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 410. Concurrent resolution recognizing the FBI on their 100th anniversary; to the Committee on the Judiciary.

H. Con. Res. 415. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; to the Committee on the Judiciary.

H. Con. Res. 429. Concurrent resolution recognizing the importance of the United States wine industry to the American economy; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1907. An act to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of,

and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes.

H.R. 2933. An act to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

H.R. 3232. An act to establish a non-profit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

H.R. 3437. An act to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

H.R. 4081. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

ENROLLED BILLS PRESENTED

The Assistant Secretary of the Senate reported that on today, October 2, 2008, she had presented to the President of the United States the following enrolled bill:

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. 1738. An act to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, and 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 child predators.

S. 2816. An act to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 3015. An act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

S. 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.

S. 3082. An act 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''.

S. 3128. An act to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

S. 3325. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3606. An act to extend the special immigrant nonminister religious worker program and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8218. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''Fiscal Year 2007 FAIR Act Inventory''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8219. A communication from the General Counsel, Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Assessments'' (RIN2590–AA08) received on October 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8220. A communication from the Assistant to the Secretary of Defense (Nuclear and Chemical and Biological Programs) transmitting, pursuant to law, a report relative to making available small Defense quantities of toxic agent or precursor to a State, a unit of local government, or private entity incorporated in the United States; to the Committee on Armed Services.

EC–8221. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''National Plan of Integrated Airport Systems (NPIAS) 2009–2013''; to the Committee on Commerce, Science, and Transportation.

EC–8222. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher Processors in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XK62) received on October 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8223. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19; Correcting Amendment'' (RIN0648–AV90) received on October 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8224. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Tuna Fisheries; Pelagic and Bottom Longline Fisheries; Gear Authorization and Turtle Control Devices'' (RIN0648–AV92) received on October 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8225. A communication from the Acting Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled ''Effects of a Transition to a Hydrogen Economy on Employment in the United States''; to the Committee on Energy and Natural Resources.

EC–8226. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Technical Specifications—Restoring the Original Paragraph Designations'' (RIN3150–AI41) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8227. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjustment To The Price-Anderson Act Financial Protection Regulations'' (RIN3150–AI44) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8228. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations'' (RIN1018–AV62) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8229. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AV62) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8230. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2008–09 Late Season'' (RIN1018–AV62) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8231. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AV62) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8232. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2008–09 Early Season'' ((RIN1018–AV62)(50 CFR Part 20)) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8233. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Framework for Early Season Migratory Bird Hunting Regulations'' (RIN1018–AV62) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8234. A communication from the Acting Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Revisions to Migratory Bird Import and Export Regulations'' (RIN1018–AV35) received on October 2, 2008; to the Committee on Environment and Public Works.

EC–8235. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled ''Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2007''; to the Committee on Finance.

EC–8236. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, an addendum to the previously submitted report entitled ''Fiscal Year 2007 Performance Summary Report''; to the Committee on the Judiciary.

EC–8237. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Classified Information Procedures Reform Act of 2008''; to the Committee on the Judiciary.

EC–8238. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting,

pursuant to law, the report of a rule entitled ''Issuance of a Visa and Authorization for Temporary Admission into the United States for Certain Nonimmigrant Aliens Infected with HIV'' (RIN1651–AA71) received on October 1, 2008; to the Committee on the Judiciary.

EC–8239. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Re-Certification of the Fiscal Year 2008 Total Non-Dedicated Local Source Revenues in Support of the District's $327,905,000 General Obligation Bonds (Series 2008E)''; to the Committee on Homeland Security and Governmental Affairs.

EC–8240. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 1B for Fiscal Years 2006 Through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–8241. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–8242. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3291–EM in the State of Mississippi; to the Committee on Homeland Security and Governmental Affairs.

EC–8243. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3294–EM in the State of Texas; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 3679. A bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. REID):

S. 3680. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 3681. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the ''Joseph A. Ryan Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself, Ms. CANTWELL, and Mr. STEVENS):

S. 3682. A bill to provide incentives to small business concerns for innovative energy-efficient technologies and products, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 702. A resolution commending David J. Tinsley on his service to the United States Senate; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. LEVIN, Mr. THUNE, Mr. DURBIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. SMITH, Mr. OBAMA, Mr. NELSON of Nebraska, Mr. TESTER, Mr. GRASSLEY, Mr. COLEMAN, Mr. REID, Ms. STABENOW, Mr. STEVENS, Mr. CRAIG, Mr. WYDEN, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. FEINGOLD, and Mr. ENZI):

S. Res. 703. A resolution designating November 2008 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse; considered and agreed to.

By Mr. REID (for himself, Mr. DURBIN, Mrs. MURRAY, and Mr. OBAMA):

S. Res. 704. A resolution congratulating the members of the United States Olympic and Paralympic Teams on their success in the 2008 Summer Olympic and Paralympic Games and supporting the selection of Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. LEVIN, and Mr. VOINOVICH):

S. Res. 705. A resolution expressing the sense of the Senate on the commitment of the United States to the preservation of religious and cultural sites and condemning instances in which such sites are desecrated; considered and agreed to.

ADDITIONAL COSPONSORS ON OCTOBER 1, 2008

S. 602

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1376

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2908

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 3140

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3484

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3484, a bill to provide for a delay in

the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3487

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 3487, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 3487, supra.

S. 3507

At the request of Mr. REED, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3512

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3512, a bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft.

S. 3529

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3529, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 3532

At the request of MS. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3532, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income.

S. 3552

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3552, a bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States and for other purposes.

S. 3553

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3553, a bill to exempt certain charitable flights from certain regulations applicable to commercial flights.

S. 3644

At the request of Mr. VITTER, his name was added as a cosponsor of S. 3644, 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.

S. 3656

At the request of Mr. SCHUMER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Colorado (Mr. SALAZAR), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 3656, a bill to preserve access to healthcare under the Medicare and Medicaid programs.

S. RES. 616

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

S. RES. 664

At the request of Mrs. DOLE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 664, a resolution celebrating the centennial of Union Station in Washington, District of Columbia.

ADDITIONAL COSPONSORS

S. 714

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 784

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 784, a bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the spent nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1936

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 1936, a bill to provide for a plebiscite on the future status of Puerto Rico.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2458

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 2458, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3037

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3037, a bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes.

S. 3102

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3102, a bill to establish the Small Business Information Security Task Force, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3252

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3462

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3462, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and

others to Nazi concentration camps on trains owned or operated by such railroad, and by heirs and survivors of such persons.

S. 3468

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3468, a bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs.

S. 3484

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3487

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 3487, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 3517

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3517, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services.

S. 3525

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arkansas (Mr. PRYOR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3525, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes.

S. 3527

At the request of Mr. AKAKA, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 3527, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority.

S. 3539

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3539, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 3552

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3552, a bill to conserve the United States fish and aquatic communities through partnerships that foster fish habitat conservation and improve the quality of life for the people of the United States and for other purposes.

S. 3610

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3610, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 3643

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 3643, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 3656

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3656, a bill to preserve access to healthcare under the Medicare and Medicaid programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. REID):

S. 3680. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Thorium Energy Independence and Security Act of 2008, together with my dear friend and colleague Senator HARRY REID. This is a simple bill that would establish offices at the Nuclear Regulatory Commission and the Department of Energy to regulate domestic thorium nuclear power generation and oversee possible demonstrations of thorium nuclear fuel assemblies.

I am very much in favor of our Nation's nuclear power industry. It is an industry that has successfully relied on mixed oxide uranium fuel for decades, and I foresee a long future for nuclear power. I am particularly excited about the potential of thorium nuclear power as a new source of nuclear power in the future.

Thorium nuclear power has a number of potential benefits over conventional uranium. For one, it is much more abundant in the world and in the United States than uranium. Also, a thorium fuel rod would remain the reactor about three times as long as conventional nuclear fuel, thereby cutting the volume of spent nuclear fuel coming out of reactors by as much as two-thirds. Thorium nuclear fuel could also significantly reduce the possibility that weapons grade material would result from the process. Finally, a thorium fuel cycle can be used as a very effective and efficient means for disposing of existing plutonium stockpiles.

Our Nation has focused mostly on mixed oxide nuclear fuel cycles, and our regulatory structure reflects that. With the growing interest in thorium nuclear power in the world and in the United States, it is time we made sure our government has a regulatory infrastructure in place to accommodate this new generation of nuclear power.

Clearly, we are introducing this legislation late in the 110th Congress. We hope to raise awareness of the bill and generate feedback from interested parties. A number of governments throughout the world are aggressively seeking to establish thorium nuclear power as an element of their power supply. These governments want the benefits of nuclear power, without the difficulties associated with large volumes of waste, much of which can be turned to weapons grade material. Our aim with this legislation is to ensure that the United States does not fall behind the movement. I hope my colleagues will take a look at the potential for thorium power.

By Mr. REID:

S. 3681. A bill to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the ''Joseph A. Ryan Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I rise today to recognize and honor Joseph A. Ryan, a former Postmaster from Las Vegas, NV. I urge my colleagues to support this legislation, which will designate the U.S. Post Office at 5070 Vegas Valley Drive in Las Vegas, NV, in his name.

Joseph ''Joe'' Ryan was born in St. Paul, Minnesota, on May 19, 1927. He attended the College of St. Thomas and the University of Minnesota, and went on to do post-graduate work at UCLA, Duke University, and the Wharton School of the University of Pennsylvania. During World War II, Mr. Ryan honorably served our country in the United States Coast Guard, and he later went on to work for Northwest Airlines before joining the United States Postal Service. Prior to serving as the Postmaster for Las Vegas, Mr. Ryan worked as the Postal Service's General Manager of Customer Programs for the Western Region.

Mr. Ryan was appointed Postmaster of Las Vegas in May of 1983 and retired in October of 1992. As Postmaster, Mr. Ryan was responsible for overseeing the many post offices in the Las Vegas valley. The 1980s and early 1990s was a time of tremendous growth in southern Nevada, and under his leadership, eight new post offices opened throughout the community, including the stunning main facility on Sunset Road. During his tenure, Joe was known for his exceptional dedication to customer service and was greatly admired by the

local Postal Service employees. His work as Las Vegas Postmaster was recognized in 1988 by the Direct Marketing Association, which awarded him the National Postmaster of the Year Award. In 1991, I was happy to join my friend and colleague Senator Richard Bryan in honoring Postmaster Ryan with the U.S. Senate Productivity Award.

Beyond his work with the Postal Service, Mr. Ryan has been an active member of the Las Vegas community and has given his time and efforts to improve this fast-growing city. He worked with the Nevada Development Authority, served on the board of the United Way of Southern Nevada, and was a member of the Las Vegas Chamber of Commerce Leadership Group.

Joe and his wife Pamelia have been married for over 50 years and have four children and three grandchildren. Mr. and Mrs. Ryan are especially proud that all four of their children are college graduates. Joe Ryan has served the Postal Service admirably and has contributed greatly to our community, so it is fitting that the Congress recognize his hard work by naming a post office in his honor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no ojbection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3681

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

SECTION 1. JOSEPH A. RYAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, shall be known and designated as the ''Joseph A. 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 ''Joseph A. Ryan Post Office Building''.

By Ms. SNOWE (for herself, Ms. CANTWELL, and Mr. STEVENS):

S. 3682. A bill to provide incentives to small business concerns for innovative energy-efficient technologies and products, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. SNOWE. Mr. President, I rise in support of the Small Business Energy Innovation Act, which I am introducing today to inspire Americans to invest in the technologies that will ultimately solve our energy crisis. As our country confronts the challenges of an economic crisis it is essential that the financial resources for our nation's energy entrepreneurs are sustained. This legislation will provide technical assistance and make financial resources available to ensure that energy innovators have greater access to capital to develop meritorious energy ideas.

One of the truly concerning aspects of the current financial situation is that loans to small businesses are becoming more difficult to obtain. One industry in particular, our clean energy sector, is working harder to find startup funds in order to help meet the challenges of greenhouse gas emissions, energy costs to consumers, and our reliance on foreign oil. At a recent speech in Atlanta, author Tom Friedman urged America to retake the lead in the world through innovation in ''ET''—Energy Technology. Friedman said the United States needs to ''invent a source of abundant, cheap, clean, reliable electrons.'' He compared the ''ET'' movement to the ''IT'', Information Technology, movement of the last decade. The author called on Washington to create the environment and the incentives to allow the ET movement to prosper.

As Ranking Member of the Small Business Committee, I have heard countless stories of small business success and how the Small Business Administration can facilitate the transition of a small business to a major company. Nowhere is this role more critical than in our renewable energy sector. Businesses and families are struggling with the inordinate costs of diesel, gasoline, electricity and home heating oil. Yet, we know that our country can do better. We must develop technologies that allow Americans to utilize clean energy from America's resources. Accordingly, my legislation would create a Director of Energy Innovation in the Small Business Administration who is entrusted with coordinating energy innovation at the SBA and ''promoting energy independence.''

In addition, the legislation provides grants of up to $200,000 for nonprofits to assist small businesses that are developing renewable energy systems, advanced energy efficiency systems, advanced transportation fuels, carbon capture and sequestration practices, advanced electrical generation, efficient end-use energy technologies, production facilities for fuel efficient vehicles, and pollution control equipment. These critical initiatives require expertise that is, in many cases, difficult for a small business to find. This provision will assist small businesses in bringing products to market.

The Small Business Energy Innovation Act creates in the Department of Energy a grant program of up to $250,000 for small businesses that are working to improve our energy security. When you consider the potential dividends of this investment, this critical seed money for energy innovators who are leading our energy revolution is a prudent investment. The potential rewards to our economy, our environment, and our national security are well worth this modest government expenditure.

Finally, this legislation develops a small business guaranteed loan program that is modeled after the loan guarantee program that was authorized in the 2005 Energy Bill. The current loan guarantee program is fostering the development of commercial scale innovative technologies for large companies, while this legislation will develop a corresponding small business loan program. Loan guarantees will enable the Department of Energy to share some of the financial risks of projects that employ new or significantly improved energy technologies that will move our country towards energy self-sufficiency.

I hope that this legislation, coupled with the America Competes Act, which I cosponsored last year, will bring about the research and entrepreneurship that our country requires to claim the lead in producing energy efficient products. I look forward to working with Chairman BINGAMAN of the Energy Committee and Chairman KERRY of the Small Business Committee and my other colleagues to pass this legislation and create a strong commitment to the energy innovators who possess the ideas that will facilitate the end to our reliance on foreign oil.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 702—COMMENDING DAVID J. TINSLEY ON HIS SERVICE TO THE UNITED STATES SENATE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 702

Whereas Dave Tinsley, a native of the Commonwealth of Virginia and graduate of Virginia Tech and the University of Maryland, has worked in the Office of the Secretary of the Senate since October 1977;

Whereas Dave Tinsley has served the Senate with distinction as a staff assistant, a reference assistant, as the assistant Executive Clerk, assistant Journal Clerk and assistant Legislative Clerk;

Whereas Dave Tinsley has, since 1999, served as the Senate's Legislative Clerk and Director of Legislative Services, supervising 36 employees and has at all times discharged his duties with dedication and diligence;

Whereas Dave Tinsley's sonorous voice is known to all in the Senate and the C–SPAN audience;

Whereas Dave Tinsley has earned the respect and affection of the Senators, their staffs and all of his colleagues for his calm and kind demeanor and his good humor; and

Whereas Dave Tinsley now retires from the Senate after 31 years to spend more time with his wife, Jane, and his children, Joe, Dan and Katie: Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Dave Tinsley and commends him for his lengthy, faithful and outstanding service to the Senate.

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to David J. Tinsley.

SENATE RESOLUTION 703—DESIGNATING NOVEMBER 2008 AS ''NATIONAL METHAMPHETAMINE AWARENESS MONTH'', TO INCREASE AWARENESS OF METHAMPHETAMINE ABUSE

Mr. BAUCUS (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. LEVIN, Mr. THUNE, Mr. DURBIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. SMITH, Mr. OBAMA, Mr. NELSON of Nebraska, Mr. TESTER, Mr. GRASSLEY, Mr. COLEMAN, Mr. REID, Ms. STABENOW, Mr. STEVENS, Mr. CRAIG, Mr. WYDEN, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. FEINGOLD, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 703

Whereas methamphetamine, an easily manufactured drug of the amphetamine group, is a powerful and addictive central nervous system stimulant with long-lasting effects;

Whereas the National Association of Counties reported in 2007 that methamphetamine is the number 1 illegal drug problem for 47 percent of the counties in the United States, a higher percentage than that of any other drug;

Whereas 4 out of 5 county sheriffs report that, while local methamphetamine production is down, methamphetamine abuse is not (the National Association of Counties found that ½ of the Nation's sheriffs report abuse of the drug has stayed the same and nearly ⅓ say that it has increased);

Whereas the highest rates of methamphetamine use among all ethnic groups occur within Native American communities;

Whereas the consequence of methamphetamine use by many young adults in the Native American community has been death, including methamphetamine-related suicides;

Whereas sheriffs report increases in crime directly related to the presence of methamphetamine in their communities;

Whereas most illegal methamphetamine available in the United States is produced in large clandestine laboratories in Mexico and smuggled into this country;

Whereas methamphetamine labs are costly to clean up in that every pound of methamphetamine produced can yield up to 5 pounds of toxic waste, representing a public danger to adults and children;

Whereas the profile of methamphetamine users is changing, as ⅗ of the Nation's sheriffs report increased methamphetamine use by women and ½ of the Nation's sheriffs report increased use by teens;

Whereas, in surveys on the abuse of methamphetamine among teens, many of the respondents said that the drug was easy to get and believed there is little risk in trying it;

Whereas other National Association of Counties surveys have shown that methamphetamine also places significant burdens on local social service and health care resources, increasing out-of-home placements for children, sending more people to public hospital emergency rooms than any other drug, and producing an ever-growing need for methamphetamine treatment programs; and

Whereas the establishment of a National Methamphetamine Awareness month would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the Federal, State, and local levels: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2008 as ''National Methamphetamine Awareness Month'' to increase awareness of methamphetamine abuse; and

(2) encourages the people of the United States and interested groups to observe National Methamphetamine Awareness Month with appropriate educational programs and outreach activities.

SENATE RESOLUTION 704—CONGRATULATING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS ON THEIR SUCCESS IN THE 2008 SUMMER OLYMPIC AND PARALYMPIC GAMES AND SUPPORTING THE SELECTION OF CHICAGO, ILLINOIS, AS THE SITE OF THE 2016 SUMMER OLYMPIC AND PARALYMPIC GAMES.

Mr. REID (for himself, Mr. DURBIN, Mrs. MURRAY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 704

Whereas the 2008 Summer Olympic Games were conducted in Beijing, China, from August 8 to August 24, 2008;

Whereas 10,500 athletes from 204 countries participated in 302 events in 28 sports and inspired people around the world with their dedication, discipline, athletic achievement, and spirit of fair play, representing the best traditions of Olympic competition;

Whereas 596 men and women represented the United States in the 2008 Summer Olympic Games as members of the United States Olympic Team;

Whereas those United States Olympians competed in 27 sports and continued the great legacy of athleticism and sportsmanship that has characterized the history of United States Olympic competition;

Whereas, in the 2008 Summer Olympic Games, the United States sustained and increased its clear dominance as the most successful country in the history of the Olympic Games;

Whereas athletes from the United States won more medals in the 2008 Summer Olympic Games than athletes from any other country;

Whereas swimmer Michael Phelps of Maryland earned recognition as one of the greatest athletes of all time by winning an extraordinary 8 gold medals in the 2008 Summer Olympic Games to surpass the previous single-year record of 7 Olympic gold medals by Mark Spitz, also a swimmer from the United States;

Whereas Michael Phelps now also holds the record for the most Olympic gold medals ever won by a single athlete, with a remarkable 14 gold medals;

Whereas, in the 2008 Summer Olympic Games, the United States demonstrated its continued preeminence in team sports, with the men's and women's basketball teams, the men's volleyball team, the women's soccer team, and the men's and women's 4x400-meter relay teams winning gold medals;

Whereas more than 200 athletes from the United States competed in 18 sports on behalf of the United States in the 2008 Summer Paralympic Games in Beijing, China, from September 6 to September 17, 2008;

Whereas the United States Paralympic Team earned 99 medals, including 36 gold medals, reminding the world that physical challenges are no limit to human achievement;

Whereas United States Army First Lieutenant Melissa Stockwell, who lost her left leg to a roadside bomb in Baghdad in 2004, became the first veteran of the war in Iraq to compete in the Paralympic Games when she swam in the women's 100-meter butterfly, 100-meter freestyle, and 400-meter freestyle;

Whereas the people of the United States stand united in respect and admiration for the members of the United States Olympic and Paralympic Teams, and the Teams' athletic accomplishments, sportsmanship, and dedication to excellence;

Whereas the many accomplishments of the United States Olympic and Paralympic Teams would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee and the many administrators, coaches, and family members who provided critical support for the athletes:

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, the city of Chicago, Illinois, celebrate those same ideals; and

Whereas Chicago has never hosted the Olympic and Paralympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) extends congratulations for a job well done to all members of the United States Olympic and Paralympic Teams and to everyone who supported the Teams' efforts at the 2008 Summer Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to choose Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games and offers support and cooperation in ensuring successful Olympic and Paralympic Games in Chicago in 2016.

SENATE RESOLUTION 705—EXPRESSING THE SENSE OF THE SENATE ON THE COMMITMENT OF THE UNITED STATES TO THE PRESERVATION OF RELIGIOUS AND CULTURAL SITES AND CONDEMNING INSTANCES IN WHICH SUCH SITES ARE DESECRATED

Mr. BROWNBACK (for himself, Mr. LEVIN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 705

Whereas the Senate is committed to protecting and preserving the cultural heritage of all national, religious, and ethnic groups, including cemeteries and other sacred sites of those groups in the United States and abroad;

Whereas the Holocaust annihilated much of the Jewish population of Europe, and in many countries in Europe, no Jewish people were left to care for the communal properties that represent a historic culture in the area and constitute an integral part of the Jewish religion;

Whereas the Holocaust and 45 years of atheistic, Communist governments in Eastern Europe created a critical need that led to the establishment of the United States Commission for the Preservation of America's Heritage Abroad under section 1303 of the International Security and Development Cooperation Act of 1985 (16 U.S.C. 469j);

Whereas the United States Commission for the Preservation of America's Heritage Abroad is tasked with identifying and reporting on cemeteries, monuments, and historic buildings in Eastern and Central Europe that are associated with the heritage of United States citizens and obtaining assurances from the governments in those regions that those properties will be protected and preserved;

Whereas many of those properties continue to be endangered and governments and communities continue to face fundamental and compelling challenges in the preservation of those properties;

Whereas experts within Lithuania and from around the world believe that the cemetery located in the Snipiskes area of Vilnius, Lithuania, is an historic Jewish cemetery and is sacred ground;

Whereas, in 2005, municipal authorities in Vilnius, Lithuania, approved the construction of an apartment building at the outer edge of that Jewish cemetery;

Whereas that cemetery dates to the 15th century and is known by scholars in Lithuania and around the world as the first Jewish cemetery in Vilnius;

Whereas it is believed that, before the Government closed the cemetery in the early 1800s, more than 50,000 Jews were buried there;

Whereas, in December 2006, several months after experts and groups from around the world expressed grave concern about the desecration of the Snipiskes cemetery, the Prime Minister of Lithuania established a working group to define the cemetery's borders and to consider how to memorialize it;

Whereas, in 2007, before the conclusion of the working group, authorities of the Government of Lithuania approved additional construction on the disputed ground;

Whereas, in May 2007, the working group, consisting of historians, scientists, and rabbis from Lithuania and around the world, called for a halt in construction activity until completion of a site study to be undertaken using ground-penetrating radar;

Whereas, on September 3, 2008, a group commissioned by the Government of Lithuania to study the area using the ground-penetrating radar concluded that the boundaries of the cemetery included the disputed apartment buildings;

Whereas the Ministry of Culture of Lithuania released a statement dismissing the study as inconclusive;

Whereas the fact that the Government of Lithuania has allowed construction to take place at the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, and that desecration of sacred sites continues into the 21st century, is an affront to the international Jewish community, the people of the United States, and everyone who values religious freedom and ethnic diversity around the world;

Whereas the United States and Lithuania signed the Agreement on the Protection and Preservation of Certain Cultural Properties on October 15, 2002;

Whereas Article 1 of the Agreement states, ''Each Party will take appropriate steps to protect and preserve the cultural heritage of all national, religious or ethnic groups . . . who reside or resided in its territory and were victims of genocide in its territory during the Second World War. The term 'cultural heritage' for purposes of this Agreement means . . . cemeteries and memorials to the dead. . .'';

Whereas cemeteries are sacred sites and are established to remain undisturbed in perpetuity, and the sanctity of a cemetery is determined by the bodies buried in the cemetery; and

Whereas, while vandalism of headstones or construction of a commercial building on the site disgraces the cemetery, it does not change its sacred status: Now, therefore, be it

Resolved, That the Senate—

(1) expresses strongly to the Government of Lithuania that the cemetery located in the Snipiskes area of Vilnius, Lithuania, which is an important part of the cultural heritage of the Jewish people, should not be further desecrated;

(2) urges the Government of Lithuania to take all the necessary steps to immediately stop and, if necessary, reverse, construction on that cemetery;

(3) reaffirms that constructive bilateral relations between Lithuania and the United States are important to the Governments and citizens of both countries; and

(4) expresses strong support for the work of the United States Commission for the Preservation of America's Heritage Abroad and for the European countries that continue to work to preserve sacred historical sites, despite ongoing challenges.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5692. Mr. LEVIN (for Mr. REID) proposed an amendment to the concurrent resolution H. Con. Res. 440, providing for an adjournment or recess of the two Houses.

SA 5693. Mr. NELSON, of Nebraska (for Mr. DORGAN) proposed an amendment to the bill H.R. 6469, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

SA 5694. Mr. NELSON, of Nebraska (for Mrs. LINCOLN) proposed an amendment to the resolution S. Res. 616, reducing maternal mortality both at home and abroad.

SA 5695. Mr. LEVIN (for Mr. REID (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 7222, to extend the Andean Trade Preference Act, and for other purposes.

TEXT OF AMENDMENTS

SA 5692. Mr. LEVIN (for Mr. REID) proposed an amendment to the concurrent resolution H. Con. Res. 440, providing for an adjournment or recess of the two Houses; as follows:

On page 1, line 3, strike ''from Monday, September 29, 2008, through Friday, October 3, 2008,''

On page 2, line 2, strike ''that'' and all that follows through line 9 and insert:

''the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution.''

On page 2, line 15, strike ''time'' and insert ''respective time''.

SA 5693. Mr. NELSON of Nebraska (for Mr. DORGAN) proposed an amendment to the bill H.R. 6469, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stephanie Tubbs Jones Organ Transplant Authorization Act of 2008''.

SEC. 2. INCREASED FUNDING FOR THE ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372(a) of the Public Health Service Act (42 U.S.C. 274(a)) is amended by striking ''$2,000,000'' and inserting ''$7,000,000''.

SEC. 3. REPORT.

(a) IN GENERAL.—The Secretary of Health and Human Services shall request that the Executive Director of the Organ Procurement and Transplantation Network submit to Congress, not later than 1 year after the date of enactment of this Act, a report that shall include—

(1) the identity of transplant programs that have become inactive or have closed since the heart allocation policy change of 2006;

(2) the distance to the next closest operational heart transplant center from such inactivated or closed programs and an evaluation of whether or not access to care has been reduced to the population previously serviced by such inactive or closed program;

(3) the number of patients with rural zip codes that received transplants after the heart allocation policy change of 2006 as compared with the number of such patients that received such transplants prior to such heart allocation policy change;

(4) a comparison of the number of transplants performed, the mortality rate for individuals on the transplant waiting lists, and the post-transplant survival rate nationally and by region prior to and after the heart allocation policy change of 2006; and

(5) specifically with respect to allosensitized patients, a comparison of the number of heart transplants performed, the mortality rate for individuals on the heart transplant waiting lists, and the post heart transplant survival rate nationally and by region prior to and after the heart allocation policy change of 2006.

(b) LIMITATION ON FUNDING.—The increase provided for in the amendment made by section 2 shall not apply with respect to contracts entered into under section 372(a) of the Public Health Service Act (42 U.S.C. 274(a)) after the date that is 1 year after the date of enactment of this Act if the Executive Director of the Organ Procurement and Transplantation Network fails to submit the report under subsection (a).

SA 5694. Mr. NELSON of Nebraska (for Mrs. LINCOLN) proposed an amendment to the resolution S. Res. 616, reducing maternal mortality both at home and abroad; as follows:

On page 3, line 4, strike ''greater'' and insert ''more effective''.

On page 3, lines 6 and 7, strike ''maternal health as a human right'' and insert ''that the right to access quality and affordable health care is essential to improving maternal health''.

SA 5695. Mr. LEVIN (for Mr. REID (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 7222, to extend the Andean Trade Preference Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

''SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

''(a) IN GENERAL.—No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall—

''(1) remain in effect with respect to Colombia or Peru after December 31, 2009;

''(2) remain in effect with respect to Ecuador after June 30, 2009, except that duty-free

treatment and other preferential treatment under this title shall remain in effect with respect to Ecuador during the period beginning on July 1, 2009, and ending on December 31, 2009, unless the President reviews the criteria set forth in section 203, and on or before June 30, 2009, reports to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives pursuant to subsection (b) that—

''(A) the President has determined that Ecuador does not satisfy the requirements set forth in section 203(c) for being designated as a beneficiary country; and

''(B) in making that determination, the President has taken into account each of the factors set forth in section 203(d); and

''(3) remain in effect with respect to Bolivia after June 30, 2009, except that duty-free treatment and other preferential treatment under this title shall remain in effect with respect to Bolivia during the period beginning on July 1, 2009, and ending on December 31, 2009, only if the President reviews the criteria set forth in section 203, and on or before June 30, 2009, reports to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives pursuant to subsection (b) that—

''(A) the President has determined that Bolivia satisfies the requirements set forth in section 203(c) for being designated as a beneficiary country; and

''(B) in making that determination, the President has taken into account each of the factors set forth in section 203(d).

''(b) REPORTS.—On or before June 30, 2009, the President shall make determinations pursuant to subsections (a)(2)(A) and (a)(3)(A) and report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on—

''(1) such determinations; and

''(2) the reasons for such determinations.''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of such Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''6 succeeding 1-year periods'' and inserting ''7 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 1-year period'' and inserting ''and for the succeeding 2-year period''; and

(B) in clause (v)(II), by striking ''5 succeeding 1-year periods'' and inserting ''6 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 2. EARNED IMPORT ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 495) is amended by adding at the end the following:

''SEC. 404. EARNED IMPORT ALLOWANCE PROGRAM.

''(a) PREFERENTIAL TREATMENT.—

''(1) IN GENERAL.—Eligible apparel articles wholly assembled in an eligible country and imported directly from an eligible country shall enter the United States free of duty, without regard to the source of the fabric or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of fabric in such apparel articles, in accordance with the program established under subsection (b).

''(2) DETERMINATION OF QUANTITY OF SME.—For purposes of determining the quantity of square meter equivalents under paragraph (1), the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

''(b) EARNED IMPORT ALLOWANCE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production of eligible apparel articles in an eligible country for purposes of subsection (a), based on the elements described in paragraph (2).

''(2) ELEMENTS.—The elements referred to in paragraph (1) are the following:

''(A) One credit shall be issued to a producer or an entity controlling production for every two square meter equivalents of qualifying fabric that the producer or entity controlling production can demonstrate that it has purchased for the manufacture in an eligible country of articles like or similar to any article eligible for preferential treatment under subsection (a). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits may be deposited.

''(B) Such producer or entity controlling production may redeem credits issued under subparagraph (A) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

''(C) Any textile mill or other entity located in the United States that exports qualifying fabric to an eligible country may submit, upon such export or upon request, the Shipper's Export Declaration, or successor documentation, to the Secretary of Commerce—

''(i) verifying that the qualifying fabric was exported to a producer or entity controlling production in an eligible country; and

''(ii) identifying such producer or entity controlling production, and the quantity and description of qualifying fabric exported to such producer or entity controlling production.

''(D) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying fabric.

''(E) The Secretary of Commerce may make available to each person or entity identified in the documentation submitted under subparagraph (C) or (D) information contained in such documentation that relates to the purchase of qualifying fabric involving such person or entity.

''(F) The program shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subsection (a)(1).

''(G) The Secretary of Commerce may reconcile discrepancies in the information provided under subparagraph (C) or (D) and verify the accuracy of such information.

''(H) The Secretary of Commerce shall establish procedures to carry out the program under this section by September 30, 2008, and may establish additional requirements to carry out the program.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriate congressional committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

''(2) the term 'eligible apparel articles' means the following articles classified in chapter 62 of the HTS (and meeting the requirements of the rules relating to chapter 62 of the HTS contained in general note 29(n) of the HTS) of cotton (but not of denim): trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts, and pants;

''(3) the term 'eligible country' means the Dominican Republic; and

''(4) the term 'qualifying fabric' means woven fabric of cotton wholly formed in the United States from yarns wholly formed in the United States and certified by the producer or entity controlling production as being suitable for use in the manufacture of apparel items such as trousers, bib and brace overalls, breeches and shorts, skirts and divided skirts or pants, all the foregoing of cotton, except that—

''(A) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains nylon filament yarn with respect to which section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act applies;

''(B) fabric that would otherwise be ineligible as qualifying fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric, except that any elastomeric yarn contained in an eligible apparel article must be wholly formed in the United States; and

''(C) fabric otherwise eligible as qualifying fabric shall not be ineligible as qualifying fabric because the fabric contains yarns or fibers that have been designated as not commercially available pursuant to—

''(i) article 3.25(4) or Annex 3.25 of the Agreement;

''(ii) Annex 401 of the North American Free Trade Agreement;

''(iii) section 112(b)(5) of the African Growth and Opportunity Act;

''(iv) section 204(b)(3)(B)(i)(III) or (ii) of the Andean Trade Preference Act;

''(v) section 213(b)(2)(A)(v) or 213A(b)(5)(A) of the Caribbean Basin Economic Recovery Act; or

''(vi) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

''(d) REVIEW AND REPORT.—

''(1) REVIEW.—The United States International Trade Commission shall carry out a review of the program under this section annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

''(2) REPORT.—The United States International Trade Commission shall submit to the appropriate congressional committees annually a report on the results of the review carried out under paragraph (1).

''(e) EFFECTIVE DATE AND APPLICABILITY.—

''(1) EFFECTIVE DATE.—The program under this section shall be in effect for the 10-year period beginning on the date on which the President certifies to the appropriate congressional committees that sections A, B, C, and D of the Annex to Presidential Proclamation 8213 (December 20, 2007) have taken effect.

''(2) APPLICABILITY.—The program under this section shall apply with respect to qualifying fabric exported to an eligible country on or after August 1, 2007.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Dominican Republic-Central

America-United States Free Trade Agreement Implementation Act is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Earned import allowance program.''.

SEC. 3. AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Section 112 of the African Growth and Opportunity Act (19 U.S.C. 3721) is amended—

(1) in subsection (b)(6)(A), by striking ''ethic'' in the second sentence and inserting ''ethnic''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking '', and subject to paragraph (2),'';

(B) by striking paragraphs (2) and (3);

(C) in paragraph (4)—

(i) by striking ''Subsection (b)(3)(C)'' and inserting ''Subsection (b)(3)(B)''; and

(ii) by redesignating such paragraph (4) as paragraph (2); and

(D) by striking paragraph (5) and inserting the following:

''(3) DEFINITION.—In this subsection, the term 'lesser developed beneficiary sub-Saharan African country' means—

''(A) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the International Bank for Reconstruction and Development;

''(B) Botswana;

''(C) Namibia; and

''(D) Mauritius.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) REVIEW AND REPORTS.—

(1) ITC REVIEW AND REPORT.—

(A) REVIEW.—The United States International Trade Commission shall conduct a review to identify yarns, fabrics, and other textile and apparel inputs that through new or increased investment or other measures can be produced competitively in beneficiary sub-Saharan African countries.

(B) REPORT.—Not later than 7 months after the date of the enactment of this Act, the United States International Trade Commission shall submit to the appropriate congressional committees and the Comptroller General a report on the results of the review carried out under subparagraph (A).

(2) GAO REPORT.—Not later than 90 days after the submission of the report under paragraph (1)(B), the Comptroller General shall submit to the appropriate congressional committees a report that, based on the results of the report submitted under paragraph (1)(B) and other available information, contains recommendations for changes to United States trade preference programs, including the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) and the amendments made by that Act, to provide incentives to increase investment and other measures necessary to improve the competitiveness of beneficiary sub-Saharan African countries in the production of yarns, fabrics, and other textile and apparel inputs identified in the report submitted under paragraph (1)(B), including changes to requirements relating to rules of origin under such programs.

(3) DEFINITIONS.—In this subsection—

(A) the term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) the term ''beneficiary sub-Saharan African countries'' has the meaning given the term in section 506A(c) of the Trade Act of 1974 (19 U.S.C. 2466a(c)).

(d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B) of Public Law 109–432 is amended by striking ''(B) by striking'' and inserting ''(B) in paragraph (3), by striking''.

SEC. 4. GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 5. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''November 14, 2017'' and inserting ''February 14, 2018''; and

(2) in subparagraph (B)(i), by striking ''October 7, 2017'' and inserting ''January 31, 2018''.

(b) REPEAL.—Section 15201 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended by striking subsections (c) and (d).

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 2 percentage points.

SEC. 7. TECHNICAL CORRECTIONS.

Section 15402 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246) is amended—

(1) in subsections (a) and (b), by striking ''Carribean'' each place it appears and inserting ''Caribbean''; and

(2) in subsection (d), by striking ''231A(b)'' and inserting ''213A(b)''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 695, 758, 759, 762, 763, 764, 767 to and including 770, 776, 777, 778, 785, 786, 787, 788, 789, 790 to and including 804, 807 to and including 812, all nominations on the Secretary's Desk in the Air Force, Army, Coast Guard, and Navy; that the Commerce Committee be discharged of PN2090, Coast Guard promotions; that the HELP Committee be discharged of the following: for membership on the Federal Mine Safety and Health Review Commission: PN1828, Mary Lucille Jordan, and PN1976 Michael Young; for membership on the National Council on Disability: PN1503 Katherine O. McCary; PN1509 Chad Colley; PN1510 Victoria Ray Carlson; PN1511 Tony J. Williams; PN1512 John R. Vaughn; PN1761 Marlyn Andrea Howe; PN1762 Lonnie C. Moore; PN1763 Heather McCallum; for membership on the Board of Trustees of the James Madison Memorial Fellowship Foundation: PN1687 John J. Faso; PN1688 Joe Manchin III; PN1689 Harvey M. Tettlebaum; for membership on the Board of Trustees of the Harry S. Truman Scholarship Foundation: PN1977 Dave Heineman; for membership on the National Science Board, National Science Foundation: PN2023 Esin Gulari; PN2025 Diane Souvaine; for membership on the National Council on the Arts: PN2102 JoAnn Falletta and PN2103 Lee Greenwood; that the Finance Committee be discharged of PN2017, Edwin Eck, Internal Revenue Service Oversight Board; that the Foreign Relations Committee be discharged of the following: to serve as a U.S. Representative to the U.N. General Assembly: PN2055 Anthony H. Gioia and PN2056 Karen Elliott House; PN1751 James Franklin Jeffrey to be Career Member of the Senior Foreign Service; for various foreign service officers, consular officers and career members of the senior foreign service: PN1991, PN1998, PN1999 and PN2000; that the Judiciary Committee be discharged of PN1703 Dennis Michael Klein; that the Senate proceed to their consideration, en bloc; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; and that any statements relating to the nominations be printed in the Record; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF VETERANS AFFAIRS

Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

DEPARTMENT OF STATE

Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).

Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs).

C. Steven McGann, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Carol Ann Rodley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

DEPARTMENT OF VETERANS AFFAIRS

Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

FEDERAL LABOR RELATIONS AUTHORITY

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2009 (Reappointment), to which position she was appointed during the last recess of the Senate.

Thomas M. Beck, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

POSTAL REGULATORY COMMISSION

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory

Commission for the term expiring November 22, 2014. (Reappointment)

DEPARTMENT OF JUSTICE

Gregory G. Garre, of Maryland, to be Solicitor General of the United States, vice Paul D. Clement, resigned.

George W. Venables, of California, to be United States Marshal for the Southern District of California for the term of four years.

A. Brian Albritton, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

ELECTION ASSISTANCE COMMISSION

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009. (Reappointment)

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011. (Reappointment)

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011. (Reappointment)

Gineen Bresso Beach, of New York, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2009, vice Caroline C. Hunter, resigned.

DEPARTMENT OF DEFENSE

Michael Bruce Donley, of Virginia, to be Secretary of the Air Force, vice Michael W. Wynne, resigned.

NATIONAL SECURITY EDUCATION BOARD

David H. McIntyre, of Texas, to be a Member of the National Security Education Board for a term of four years, vice Mark Falcoff, term expiring.

Mark J. Gerencser, of New Jersey, to be a Member of the National Security Education Board for a term of four years, vice Robert N. Shamansky, term expired.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Timothy V. Flynn, III

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. George W. Ballance

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Brig. Gen. Patrick J. O'Reilly

IN THE AIR FORCE

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. William M. Fraser, III

The following named officer for appointment as the Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 601 and 10502:

To be general

Lt. Gen. Craig R. McKinley

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. David D. McKiernan

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William G. Webster, Jr.

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Daniel B. Allyn
Brigadier General Rodney O. Anderson
Brigadier General James O. Barclay, III
Brigadier General Arthur M. Bartell
Brigadier General John R. Bartley
Brigadier General John M. Bednarek
Brigadier General Donald M. Campbell, Jr.
Brigadier General John F. Campbell
Brigadier General Charles T. Cleveland
Brigadier General Jeffrey J. Dorko
Brigadier General Kenneth S. Dowd
Brigadier General Michael Ferriter
Brigadier General Michael T. Flynn
Brigadier General William B. Garrett, III
Brigadier General James L. Hodge
Brigadier General James L. Huggins, Jr.
Brigadier General John D. Johnson
Brigadier General Nickolas G. Justice
Brigadier General Susan S. Lawrence
Brigadier General Kevin A. Leonard
Brigadier General Gregg F. Martin
Brigadier General James M. Milano
Brigadier General John W. Peabody
Brigadier General David G. Perkins
Brigadier General James L. Terry
Brigadier General Michael S. Tucker
Brigadier General Joseph L. Votel
Brigadier General Francis J. Wiercinski
Brigadier General Terry A. Wolff

The following Army National Guard of the United States officer for appointment in the Reserve of the Army in the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. H. Steven Blum

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Garry C. Dean
Brigadier General Steven R. Doohen
Brigadier General Donald E. Fick
Brigadier General Kathleen E. Fick
Brigadier General Linda K. McTague
Brigadier General Alan W. Palmer
Brigadier General Charles E. Tucker, Jr.
Brigadier General Jannette Young

To be brigadier general

Colonel John D. Bledsoe, Jr.
Colonel Brewster S. Butters
Colonel Charles E. Foster, Jr.
Colonel Mark R. Kraus
Colonel Catherine S. Lutz
Colonel Joseph K. Martin, Jr.
Colonel Jay M. Pearsall
Colonel James W. Schroeder

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Alan S. Thompson

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Karlynn P. O'Shaughnessy

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Carroll F. Pollett

David H. Pryor, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014. (Reappointment)

Bruce M. Ramer, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012, vice Warren Bell.

Elizabeth Sembler, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014, vice Claudia Puig, term expired.

Loretta Cheryl Sutliff, of Nevada, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012, vice Frank Henry Cruz, term expired.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under Section 271, Title 14, U.S. Code:

To be rear admiral

Rear Adm. (1h) Christopher C. Colvin
Rear Adm. (1h) David T. Glenn
Rear Adm. (1h) Mary E. Landry
Rear Adm. (1h) Ronald J. Rabago
Rear Adm. (1h) Paul F. Zukunft

The following named officers for appointment in the United States Coast Guard to the grade indicated under section 271, title 14, U.S. Code:

To be rear admiral

Rear Adm. (1h) Thomas F. Atkin
Rear Adm. (lh) Kevin S. Cook
Rear Adm. (lh) Daniel A. Neptun
Rear Adm. (1h) Thomas P. Ostebo
Rear Adm. (lh) Steven H. Ratti
Rear Adm. (lh) James A. Watson

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1933 AIR FORCE nomination of Sarah C. L. Scullion, which was received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1934 AIR FORCE nomination of Richard E. Cutts, which was received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1935 AIR FORCE nomination of Karl L. Brown, which was received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1936 AIR FORCE nominations (2) beginning ANDREW T. HARKREADER, and ending TARIS S. HAWKINS, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1995 AIR FORCE nominations (2) beginning Darrell I. Morgan, and ending ROGER E. JONES, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 2008.

PN2001 AIR FORCE nominations (8) beginning THOMAS R. REED, and ending

VIJAYALAKSHMI SRIPATHY, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2002 AIR FORCE nomination of Daniel Uribe, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2003 AIR FORCE nomination of Mark A. Lambertsen, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2004 AIR FORCE nomination of Randy L. Manella, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2005 AIR FORCE nomination of Timothy W. Ricks, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2006 AIR FORCE nominations (7) beginning MARCO V. GALVEZ, and ending JOHN T. SYMONDS, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2031 AIR FORCE nominations (527) beginning JOHN J. ABBATIELLO, and ending TIMOTHY A. ZOERLEIN, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2032 AIR FORCE nominations (56) beginning MICHELLE T. AARON, and ending JULIE F. ZWIES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2033 AIR FORCE nominations (109) beginning ELAINE M. ALEXA, and ending DENNIS C. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2034 AIR FORCE nominations (56) beginning NICOLA S. ADAMS, and ending TAMBRA L. YATES, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2035 AIR FORCE nominations (110) beginning JADE A. ALOTA, and ending MICHELLE L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2036 AIR FORCE nominations (4) beginning ROBERT L. CLARK, and ending JOHN K. BINI, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2037 AIR FORCE nomination of Theodore A. Mickle Jr., which was received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2052 AIR FORCE nominations (18) beginning MICHAEL G. BUTEL, and ending TIMOTHY S. WOODRUFF, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

IN THE ARMY

PN1235–2 ARMY nomination of ALLEN D. FERRY, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1937 ARMY nomination of Stephen E. Huskey, which was received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1938 ARMY nominations (2) beginning JENNIFER A. HISGEN, and ending VIVIAN C. SHAFER, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1939 ARMY nominations (31) beginning KORD H. BASNIGHT, and ending FRANK D. WHITNEY, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1940 ARMY nominations (55) beginning BRADLEY AEBI, and ending JONATHAN YUN, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1941 ARMY nominations (277) beginning JULIE A. AKE, and ending SCOTT E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1996 ARMY nomination of Mark V. Flasch, which was received by the Senate and appeared in the Congressional Record of September 9, 2008.

PN2007 ARMY nomination of Steven B. Horton, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2008 ARMY nomination of Mary F. Braun, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2009 ARMY nomination of James C. Bayley, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2010 ARMY nomination of Jose R. Rafols, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2011 ARMY nomination of Matthew Myles, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2012 ARMY nomination of Jayanthi Kondamini, which was received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2013 ARMY nominations (3) beginning KATHERINE G. ARTERBURN, and ending JESSE C. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2014 ARMY nominations (3) beginning LEEANN M. CAPACE, and ending DUAINE J. KACZINSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2015 ARMY nominations (2) beginning JOB ANDUJAR, and ending RALPH LAYMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2008.

PN2038 ARMY nomination of Chris D. Fritz, which was received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2039 ARMY nominations (4) beginning SHANNON B. BROWN, and ending ARNOLD K. IAEA, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2040 ARMY nominations (7) beginning HOWARD DAVIS, and ending JAMES WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2041 ARMY nomination of Katherine L. Froehling, which was received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2060 ARMY nomination of Jonathan E. Kraft, which was received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2061 ARMY nomination of D060712, which was received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2062 ARMY nominations (6) beginning PHILIP W. GAY, and ending TIMOTHY N. THOMBLESON, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2063 ARMY nomination of D060652, which was received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2064 ARMY nomination of Tyrone P. Crabb, which was received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2065 ARMY nominations (3) beginning MICHAEL M. KING, and ending BRADLEY C. WARE, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2066 ARMY nominations (4) beginning D060674, and ending D060715, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2067 ARMY nomination of D060834, which was received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2068 ARMY nominations (2) beginning D060478, and ending D060552, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2069 ARMY nominations (20) beginning D060513, and ending D070008, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2070 ARMY nominations (472) beginning JONATHAN S. ACKISS, and ending D070159, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2071 ARMY nominations (501) beginning STEPHEN L. ADAMSON, and ending X0005, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2072 ARMY nominations (849) beginning MATTHEW T. ADAMCZYK, and ending D060798, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

PN2074 ARMY nomination of Nathan V. Sweetser, which was received by the Senate and appeared in the Congressional Record of September 18, 2008.

PN2079 ARMY nominations (4) beginning DAVID E. GRAETZ, and ending STEPHEN E. VAUGHN, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2008.

PN2080 ARMY nominations (15) beginning ORMAN W. BOYD, and ending D060774, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2008.

PN2081 ARMY nominations (20) beginning CHRISTOPHER C. CARLSON, and ending JAMES G. WINTE, JR., which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2008.

IN THE COAST GUARD

PN2026 COAST GUARD nominations (2) beginning KURT A. SEBASTIAN, and ending GLENN M. SULMASY, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2027 COAST GUARD nominations (89) beginning John J. Arenstam, and ending John D. Wood, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2028 COAST GUARD nominations (241) beginning Lara A. Anderson, and ending Christopher H. Zorman, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2059 COAST GUARD nominations (18) beginning Robert P. Branc, and ending Hekmat D. Tamimie, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 2008.

IN THE NAVY

PN1942 NAVY nominations (12) beginning ANTHONY M. GRIFFAY, and ending ANDREW G. LIGGETT, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1943 NAVY nomination of Patrick J. Fullerton, which was received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1944 NAVY nominations (2) beginning JOSHUA D. CROUSE, and ending DAVE S. EVANS, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1945 NAVY nominations (4) beginning MATTHEW E. DUBROW, and ending ROBERT S. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1946 NAVY nominations (9) beginning ZACHARY A. BEEHNER, and ending DAVID R. WILCOX, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1947 NAVY nominations (9) beginning DENVER L. APPLEHANS, and ending CHRISTOPHER S. SERVELLO, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1948 NAVY nominations (21) beginning LYLE P. AINSWORTH, and ending JUAN C. VARELA, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1949 NAVY nominations (21) beginning RODNEY O. ADAMS, and ending STEVEN T. WISNOSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1950 NAVY nominations (22) beginning TIMOTHY R. CAMPO, and ending JOHN E. WOODS III, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1951 NAVY nominations (33) beginning MICHAEL M. ANDREWS, and ending JOSEPH ZULIANI, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1952 NAVY nominations (37) beginning LASUMAR R. ARAGON, and ending SARAH E. ZARRO, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1953 NAVY nominations (44) beginning AUDREY G. ADAMS, and ending JAMES B. VERNON, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1954 NAVY nominations (83) beginning ADAM L. ALBARADO, and ending DENNIS M. ZOGG, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1955 NAVY nominations (123) beginning EMMANUEL C. ARCELONA, and ending BERNERD C. ZWAHLEN, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN1956 NAVY nominations (1086) beginning CAL R. ABEL, and ending CHARLES B. ZUHOSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 30, 2008.

PN2042 NAVY nominations (38) beginning STEVIC B. ABAD, and ending NATHAN J. WONDER, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2043 NAVY nominations (243) beginning DANA E. ADKINS, and ending VINCENT A. I. ZIZAK, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2044 NAVY nominations (110) beginning CHRISTOPHER W. ABBOTT, and ending TOM A. ZURAKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2045 NAVY nominations (38) beginning CATHERINE K. K. CHIAPPETTA, and ending SYLVAINE W. WONG, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2046 NAVY nominations (94) beginning PAUL G. ALBERS, and ending JOHN P. ZALAR, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2047 NAVY nominations (114) beginning JOSEPH K. AHN, and ending DAVID M. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2048 NAVY nominations (36) beginning CASSIE L. ALLEN, and ending DAVID S. YANG, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2049 NAVY nominations (54) beginning FERDINAND D. ABRIL, and ending YUE K. ZHANG, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2050 NAVY nominations (10) beginning PALMO S. BARRERA, and ending HORACIO G. TAN, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2008.

PN2051 NAVY nomination of Jefferey R. Jernigan, which was received by the Senate and appeared in the Congressional Record of September 15, 2008.

UNITED STATES COAST GUARD

The following named officers for appointment to the grade indicated in the United States Coast Guard under Title 14, U.S.C. Section 271:

To be lieutenant commander

Micah N. Acree
Michel K. Adams
Erin N. Adler
Edward W. Ahlstrand
Eric C. Allen
Nahshon I. Almandmoss
Jamie T. Amon
Jeremy J. Anderson
Richard A. Angelet
John D. Annonen
Kyle S. Armstrong
Douglas G. Atkins
Stephen D. Axley
Patrick T. Bacher
James J. Bailey
Jordan M. Baldueza
Robert J. Baronas
Heinz G. Bartnick
David M. Bartram
Tab A. Beach
Clayton R. Beal
Derek C. Beatty
Paul R. Beavis
Brian J. Behler
David S. Bennett
Brent R. Bergan
James R. Bigbie
James A. Binniker
Stephen R. Bird
Jeffrey A. Bixler
Todd X. Bloch
Jose M. Bolanos
Matthew T. Bourassa
Matt A. Bournonville
Ralph J. Boyes
Jeffrey R. Bray
Curtis G. Brown
Scott D. Buettner
Chaning D. Burgess
Patrick C. Burkett
Derrek W. Burrus
Conrado R. Cabantac
Thelma Cabantac
Michael R. Cain
Gregory A. Callaghan
Timothy F. Callister
James C. Campbell
Eric M. Carrero
Robert W. Carroll
Jonathan A. Carter
Justin M. Carter
Drew M. Casey
Thomas M. Casey
Sean R. Cashell
John D. Cashman
Anthony B. Caudle
Deborah D. Cawthorn
Steven E. Cerveny
Sherri L. Chamberlin
Robert B. Chambers
John V. Chang
Randall T. Chong
Michael A. Cilenti
Joseph A. Comar
Bradley C. Cook
Jeffrey K. Coon
Daniel H. Cost
Thomas G. Cowell
Lauren E. Cox
Michael A. Crider
Edgardo Cruz
Megan L. Cull
Patrick A. Culver
Christopher H. Dailey
Asa S. Daniels
Douglas K. Daniels
Stephen Daponte
John G. Daughtry
Elaina Davis
Jay E. Davis
Javier A. Delgado
Matthew J. Denning
Daniel T. Deutermann
Shana R. Donaldson
Jason J. Dorval
Rebecca W. Dorval
Jeffrey B. Dorwart
John F. Druelle
Daniel D. Dumas
Brian J. Eckley
Rachel M. Eldridge
Robin A. Ellerbe
Ryan S. Engel
Anthony Ennamorato
Thomas C. Evans
Chad A. Fait
Jessica A. Fant
Peter E. Fant
Michael P. Fisher
Lee A. Fleming
Amy E. Florentino
Charles K. Fluke
Mark C. Focken
James T. Fogle
Steven P. Foran
Jamie C. Frederick
Matthew S. Furlong
Marianne M. Gelakoska
Shawn T. Geraghty
Shannon B. Giammanco
Thomas A. Gill
Matthew S. Gingrich
Mark P. Glancy
Shields R. Gore
Andrew C. Gorman
Jeffrey R. Graham
Sean W. Green
Robert P. Griffiths
Douglas C. Hall
Alan D. Hansen
James J. Harkins
Wendy L. Hart
John M. Hartlove
Anthony H. Hawes
Suzanne E. Hemann
Jeff S. Henderson
John G. Henighan
John Henry
Thomas G. Hickey
David S. Hill

Gary A. Hillman
Dean A. Hines
James E. Hollinger
Chad B. Holm
Michael T. Holmes
Terry D. Holom
Ashley R. Holt
Anna K. Hopkins
Thomas J. Hopkins
Walter R. Hoppe
Michael J. Hosey
Christopher M. Howard
Jeffery S. Howard
Thomas A. Howell
Brian P. Huff
Timothy A. Hunter
Edward V. Jackson
Michael S. Jackson
James L. Jarnac
Darwin A. Jensen
Jay J. Jerome
Jason J. Jessup
Andrew S. Joca
Geoffrey W. Johannesen
Bradley K. Johnson
Dean E. Jordan
Meridena D. Kauffman
Daniel P. Keane
Whitney S. Keith
Brad W. Kelly
Johnny J. Kidwell
Shanell M. King
Robert R. Kistner
James A. Klein
Breanna L. Knutson
Zachary A. Koehler
Henry M. Konczynski
Brian M. Kostecki
Frank A. Kratochvil
Jerry J. Krywanczyk
Julie P. Kuck
Mark I. Kuperman
Heather P. Kuta
Michael R. Lachowicz
Gregory S. Lambrecht
Kenneth R. Langford
Kevin Lape
Matthew H. Laughlin
Sonya L. Leibowitz
Donna D. Leoce
Deborah S. Lindquist
Manuel P. Lomba
Daniel W. Long
Oscar B. Lorenzo
Troy T. Luna
Evelyn L. Lynn
Anthony J. Maffia
Neil C. Marcelino
Matthew I. Marlow
Heather R. Mattern
Romulus P. Matthews
Eric J. Matthies
Lonnie L. Mattoon
William L. McGoey
Eugene D. McGuinness
Steven J. McKechnie
Brian J. McLaughlin
Louvenia McMillan
Brian J. McSorley
Ann M. McSpadden
William L. Mees
David L. Melton
Andrew J. Meyers
Stacy L. Miller
David W. Mitchell
Chad A. Moore
Matthew J. Moorlag
Jason W. Morgan
Kevin T. Morgan
Paul I. Morgan
Guy A. Morrow
Andrew J. Motter
Edward X. Munoz
Andre C. Murphy
Maurice D. Murphy
Scott A. Murphy
Dawn W. Murray
William A. Nabach
Robert A. Nakama
Monty Nijjar
Joseph B. Notch
Loan T. O'Brien
Michael G. Odom
Craig T. Olesnevich
Christopher A. O'Neal
Michael P. O'Neil
Thomas A. Ottenwaelder
Anthony R. Owens
Philbert C. Pabellon
John D. Pack
Mark S. Palmer
Bryan C. Pape
Eric G. Para
Gregory L. Parsons
Eric W. Pearson
Latasha E. Pennant
Joshua D. Pennington
Benjamin L. Perkins
Craig R. Petersen
Eben H. Phillips
Kenneth G. Phillips
Nathan R. Phillips
William E. Pickering
Robert M. Pirone
Christopher M. Pisares
Willie E. Pittman
Kevin L. Plylar
Juan M. Posada
Robert H. Potter
David J. Potyok
William W. Preston
Harold Price
Scott A. Rae
Michael J. Rasch
Felicia K. Raybon
Michael C. Reed
David J. Reinhard
Ryan S. Rhodes
Ronald E. Richards
Felix S. Rivera
Brian W. Robinson
Helena H. Robinson
Len M. Robinson
Paul A. Rodriguez
Rex E. Roebuck
Stephanie S. Ronchetto
Blanca Rosas
Robert A. Rosenow
Rhett R. Rothberg
Paul F. Rudick
Gregory K. Sabra
Scott M. Sanborn
Mark C. Sawyer
Norbert M. Schweinsberg
William A. Scott
Fred W. Seaton
Marc R. Sennick
Donald E. Shaffer
Michael D. Sharp
Gregory A. Shouse
Ryan T. Siewert
Chad S. Skillman
James S. Small
Keith L. Smith
Gregory M. Somers
Edward P. Soriano
Warren P. Sproul
James B. Stellflug
Framar L. Stenson
Hilary Stickle
Glenn J. Stpierre
Heather J. Stpierre
William E. Strickland
James B. Suffern
Maryann C. Swendsen
Daniel A. Tallman
Christopher J. Tantillo
Gregory M. Tarpey
Dale T. Taylor
Travis G. Taylor
Ronald S. Teague
Brian S. Thomas
Brett J. Thompson
Gregory P. Torgersen
Keith A. Trepanier
Todd C. Troup
Prudencio M. Tubalado
Marc E. Tunstall
Shawn Tutt
Daniel R. Ursino
Jeffrey M. Vajda
Kurt M. Vanhauter
Christopher D. Vargo
Omar Vazquez
Guillermo Vega
Greg E. Versaw
Jowcol I. Vina
Richard E. Vincent
Randy S. Waddington
Matthew J. Waldron
Thomas W. Wallin
Robert B. Walls
Richard B. Walsh
Jon T. Warner
Donis W. Waters
Charles E. Webb
Kimberly S. Wheatley
Christopher J. Williammee
Jerred C. Williams
Scott R. Williams
Timothy C. Williamson
Norman C. Witt
William C. Woityra
Phillip D. Wolf
Lance M. Wood
Michael J. Woodrum
Robert S. Workman
Douglas E. Wyatt
Robert D. Wyman
Matthew D. York
James T. Zawrotny
Michael J. Zeruto

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014. (Reappointment)

Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014. (Reappointment)

NATIONAL COUNCIL ON DISABILITY

Katherine O. McCary, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2009, vice Milton Aponte, term expired.

Chad Colley, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2010. (Reappointment)

Victoria Ray Carlson, of Iowa, to be a Member of the National Council on Disability for a term expiring September 17, 2010. (Reappointment)

Tony J. Williams, of Washington, to be a Member of the National Council on Disability for a term expiring September 17, 2009, vice Young Woo Kang, term expired.

John R. Vaughn, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2010. (Reappointment)

Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2011. (Reappointment)

Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2011. (Reappointment)

Heather McCallum, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2011, vice Cynthia Allen Wainscott, term expiring.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

John J. Faso, of New York, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a

term expiring May 29, 2013, vice David Wesley Fleming, term expired.

Joe Manchin III, of West Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2012, vice George Perdue, term expired.

Harvey M. Tettlebaum, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2012, vice Marc R. Pacheco, term expired.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Dave Heinemann, of Nebraska, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011, vice Mel Carnahan.

NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION

Esin Gulari, of South Carolina, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014, vice Daniel E. Hastings, term expired.

Diane L. Souvaine, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014, vice Kenneth M. Ford, term expired.

NATIONAL COUNCIL ON THE ARTS

JoAnn Falletta, of New York, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2012, vice Foreststorn Hamilton.

Lee Greenwood, of Tennessee, to be a Member of the National Council on the Arts for a term expiring September 3, 2014, Vice Makoto Fujimura, term expired.

INTERNAL REVENUE SERVICE OVERSIGHT BOARD

Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2013. (Reappointment)

GENERAL ASSEMBLY OF THE UNITED NATIONS

Anthony H. Gioia, of New York, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

Karen Elliott House, of New Jersey, to be an Alternate Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE

James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

FOREIGN SERVICE OFFICERS, CONSULAR OFFICERS AND CAREER MEMBERS OF SENIOR FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated.

For appointment as Foreign Service Officer of Class Two, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Oma T. Blum, of Virginia

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America, effective January 9, 2008:

DEPARTMENT OF STATE

Min Chang, of California

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alyce Abdalla, of California
Michael A. Aguilera, of Washington
Jean Elizabeth Akers, of the District of Columbia
David Christopher Allen, of Virginia
Marcia Sofia Anglarill, of Maryland
Claudia L. Baker, of California
Peter R. Barte, of Virginia
Arthur J. Bell, of California
Carla Ann Benini, of Washington
Michael L. Benton, of Maryland
Katharine E. Bernsohn, of the District of Columbia
Wendy S. Brafman, of South Carolina
Brett Plitt Bruen, of New York
Malgorzata Bula-Duane, of New York
Deborah Lynn Campbell, of Florida
Kelly Hapka Carrillo, of Texas
Mark A. Caudill, of Virginia
Hunter B. Chen, of California
Cecilia S. Choi, of California
Charlotte Ann Crouch, of Arizona
Jennifer D. Crow, of California
Brian Sean DaRin, of New York
Hilary Chisato Watanabe Dauer, of Virginia
Learned H. Dees, of the District of Columbia
Gary Lee Dewey, of Arizona
Daniela A. DiPierro, of Massachusetts
Timothy Patrick Dougherty, of California
James A. Dragon, of Virginia
John Holmes Dunne, of Alaska
Arthur Thompson Evans IV, of Ohio
Christiana Marie Foreman, of California
Eric M. Frater, of California
Warren Mitchell Gray, of Florida
Phaedra Marie Gwyn, of Texas
Jennifer Diana Harris, of Florida
John Charles Hartman, of Texas
Chris Dharman Hensman, of Rhode Island
Andrew Jay, of New York
Defies Jobin Welch, of Virginia
Peter James Kaufman, of California
Barbara S. Keary, of the District of Columbia
Juliana Junghwa Kim, of Illinois
Lawrence John Kimmel, of Washington
Joey E. Klinger, of Pennsylvania
Wendy A. Kolls, of California
Maria V. Lane, of Colorado
John S. LaRochelle, of Florida
Alica Emin Lejlic, of Illinois
Deborah Berns Lingwood, of Florida
Sara L. Litke, of Washington
Inga Litvinsky, of Massachusetts
Donald E. Locke, of Texas
Stephen E. Lynagh, of New York
Joslyn Mack-Wilson, of Virginia
Hong-Geok T. Maerkle, of California
Ryan D. Matheny, of California
Brian J. McGrath, of New York
Alexander J. McLaren, of Virginia
Robert R. Mearkle, of Minnesota
Christine Elizabeth Meyer, of Texas
Lia N. Miler, of New York
Sumreen K. Mrza, of California
Gladys Angel Moreau, of California
Bindi Kirit Patel, of California
Sarah Catherine Peck, of Massachusetts
Andrew Posner, of California
Idris Rahimi, of Virginia
Rona Rathod, of California
Gary L. Rex, of Florida
Michelle Lee Riebeling, of Missouri
Bradly J. Roberson, of California
Kristin Lynn Rockwood, of Florida
Michael R.J. Roth, of New Mexico
Jason D. Seymour, of California
Jason W. Sheets, of California
Franc Xavier Shelton, of Texas
Carrie Anna Shirtz, of Wisconsin
Noah Siegel, of Oregon
Russell Singer, of New York
Andrew Lewis Sisk, of Virginia
Lindsey Diane Snow, of Washington
G. Mchael Snyder, of Virginia
Wheel G. Spring, of Illinois
Raymond W. Stephens III, of New York
Roy Therrien, of California
Carolyn L. Turpin, of Florida
Bernard Chitongco Uadan, of Florida
Paul M. Valdez, of Texas
Naomi Joyce Walcott, of Connecticut
Charlene Wang, of California
Ruddy Kerfun Wang, of California
Elijah J. Waterman, of Pennsylvania
Samuel Werberg, of New York
John William Whiteley, of Illinois
Ningchuan Zhu, of Texas

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Linda L. Caruso, of Wisconsin
Jennifer Gothard, of the District of Columbia
Gregory Harris, of Washington
Ilona Shtrom, of the District of Columbia
Aliza L. Totayo, of Maryland
Mark Wildman, of Maryland

DEPARTMENT OF STATE

Kathryn E. Abate, of New Jersey
Mark J. Abreu, of Virginia
Janice Anderson, of California
Ramona Aponte, of Maryland
Jason M. Arvey, of Virginia
Deborah H. Aschenbach, of Illinois
Shelley J. Asher, of Virginia
Eric Transfeidt Atkins, of Washington
Mark Madison Atkisson, of Maryland
Kara L. Ayotte, of New Mexico
Rolanda N. Beckwith, of Virginia
Barry M. Belknap, of Minnesota
James M. Black, of Maryland
Billy Brian Blackwell, of California
Daniel J. Blank, of Virginia
Elizabeth J. Blumenthal, of the District of Columbia
Daniel C. Bolsinger, of New Mexico
Amy Boyd, of Virginia
Meghan Eileen Bradley, of Virginia
Eric Christopher Brians, of Virginia
Ronald A. Briggs, of Maryland
Peter Broadbent, of Texas
Loretta A. Bushnell, of Virginia
Harry T. Call, of Virginia
Leanne R. Cannon, of Virginia
George Edward Carr, of the District of Columbia
Heather K. Carson, of Virginia
Tyler J. Carson, of Virginia
Amanda J. Cauldwell, of Virginia
Sung W. Choi, of New York
Karen E. Cox, of Virginia
Filomena C. Crawford, of Virginia
Jeffrey D. Dahlby, of Virginia
Rebecca M. Danis, of Missouri
Erick M. Danzer, of Wisconsin
Amanda R. deKieffer, of Virginia
James Butler Dewey, of Idaho
Christopher D. Doehle, of Virginia
Juan Domenech Clar, of Puerto Rico
Nicole Marie Dutra, of Virginia
Katherine E. Eisenlohr, of Michigan
James E. Erdman III, of Michigan
Bradley J. Fernandez, of Virginia
Ronald A. Ferry, of Kentucky
Mary Frangakis, of New York
Kimberly R. Furnish, of Florida
Petra Selvaggia Gardner, of Virginia
Neil S. Gipson, of Nebraska
Gudrun Erika Gomez, of Maryland
Carissa Eileen Gonzalez, of Virginia
Katy A. Gore, of Virginia
Karen Graham, of Virginia
Sara D. Greengrass, of Florida
Derrick J. Gwyn, of Virginia
Craig Acton Halbmaier, of New Hampshire
Courtney A. Hammond, of Virginia
Benjamin C. Harvey, of Virginia

John C. Heinbeck, of Michigan
James Henderson, of Virginia
Daniel J. Horning, of Michigan
Sharon A. Howe, of Texas
Tracy E. Huff, of Virginia
Frank A. Inhoff, of Virginia
Katherine N. Isgar, of New York
Marcus R. Jackson, of Florida
Matthew Jaroszewski, of Virginia
David Johnson, of Virginia
Louise A. Johnson, of New Hampshire
Kristen-Marie DiLeo Kaczynski, of Massachusetts
Steven Collat Kameny, of California
Angela P. Katcheves, of Texas
Gary B. Keeley, of Virginia
Brooke G. Kidd, of Virginia
Mary Martha Kobus, of Virginia
Robert M. Kokta, of Virginia
Christina B. Krouse, of Virginia
Peter J. Kunkel, of Virginia
Dana Last, of Virginia
Angela Leigh Lewis, of Virginia
Bruce William Liberi, of Virginia
Matthew R. Lohr, of Virginia
Lavonne Lee Loveday, of Virginia
Jennifer L. Luers, of Nebraska
Aaron P. Lukas, of Virginia
Joan E. Marshall, of Virginia
Valerie J. Martin, of Connecticut
Martha C. Mashav, of the District of Columbia
Kurosh Massoud Ansari, of Virginia
Beverly E. Mather-Marcus, of Maryland
Theresa Jean Matthews, of Minnesota
Shannon K. McCombie, of Virginia
Derek Mercer, of Virginia
Jamie L. Mignon, of Virginia
Mark Ian Mishkin, of California
Lisa Ann Mooty, of Georgia
Neal Shaun Murata, of California
Ben Murphy, of Virginia
Kenneth Lee Myers, of Virginia
Margot L. Nadel, of Virginia
Andrew Nelson, of California
Selena Nelson-Salcedo, of Minnesota
Brent S. O'Connell, of Virginia
Aamod Omprakash, of New York
Jeffrey M. O'Neal, of Texas
Michael Ose, of Iowa
Maysa M. Osman, of Virginia
Abram Wil Paley, of Texas
Matthew J. Paschke, of the District of Columbia
Michael D. Pearlstein, of the District of Columbia
Donald G. Petkovich, of Virginia
Sarah Moore Pratt, of the District of Columbia
Raul Enrique Pulido, of Colorado
Delia Day Quick, of Texas
Michael Quigley, of Virginia
Scott D. Quinlan, of Virginia
Micah Rapoport, of the District of Columbia
Marquex Dominique Rey, of Tennessee
Marissa K.E. Rollens, of Texas
Kristin Joy Runzel, of Virginia
Tamanna S. Salikuddin, of Virginia
J.M. Saxton-Ruiz, of Virginia
Dorothy I. Scanlan, of Virginia
Joshua Shen, of Virginia
Jeffrey J. Sillman, of Virginia
Karl Alexander Snyder III, of Virginia
Rebecca Ann Snyder, of Virginia
Sara Veldhuizen Stealy, of Virginia
Anthony J. Stromeyer, Jr., of Virginia
Timothy W. Swett, of Illinois
Jessup L. Taylor, of North Carolina
Gregory James Thompson, of Virginia
Tedde H. Thompson, of Virginia
Daniel A. Thorley, of Maryland
Anna E. Tiedeck, of the District of Columbia
Jon Thomas Tollefson, of Minnesota
Patricia Elain Triplett, of Virginia
Joseph Gregg Tripoli, of Virginia
Neal W. Turner, of Georgia
Amy Unander, of Illinois
Stanley J. Underdal, Jr., of Virginia
Wilbur A. Velarde, of Connecticut
John L. Venable II, of Virginia
Anne Wan, of California
Brian W. Warden, of Maryland
Matthew Daniel Warin, of Virginia
David W. Warner, of Virginia
Mark Thomas Whitehead, of Virginia
Caroline G. Widegren, of Virginia
Eric Cody Wiliams, of Virginia
Ben Yates, of Texas
Rachael Zaspel, of Texas
Thomas S. Zia, of the District of Columbia

Consular Officer in the Diplomatic Service of the United States of America:

Stephen G. Fakan, of Ohio

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion into the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective November 27, 2005:

Edwin Richard Nolan, of Virginia

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective January 6, 2008:

Alice G. Wells, of Virginia

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion within and into the Senior Foreign Service to the classes indicated: Career Member of the Senior Foreign Service, Class of Career Mnister:

Jonathan S. Addleton, of Georgia
Lilian Ayalde, of Maryland

Career Member of the Senior Foreign Service, Class of Minister Counselor:

Susan K. Brems, of North Carolina
Margot Biegelson Ellis, of New York
Patrick C. Fleuret, of Virginia
Karen L. Freeman, of Virginia
Jon Daniel Lindborg, of Indiana
Carl Abdou Rahmaan, of Maryland
Susan G. Reichle, of Virginia

Career Member of the Senior Foreign Service, Class of Counselor:

David Jon Barth, of Virginia
E. Jed Barton, of Nevada
Robbin E. Burkhart, of Texas
Susan French Fine, of Virginia
James Alan Franckiewicz, of Maryland
R. David Harden, of Maryland
Peter R. Hubbard, of the District of Columbia
Barbara Jeanne Krell, of Virginia
Lawrence A. Meserve, of Virginia
Thomas Christopher Milligan, of the District of Columbia
Beth A. Salamanca, of Virginia
Maureen A. Shauket, of the District of Columbia
Herbert B. Smith, of Delaware
Thomas H. Staal, of Maryland
Richard Winslow Whelden, of Virginia

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated.

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Jonathan Trevor Austin, of Minnesota
Jennifer A. Bah, of Alabama
Gaurav Bansai, of New York
Anne M. Bennett, of Texas
Mark Mellas Bliss, of Georgia
Matthew Harold Blong, of Maryland
Ryan Eugene Bowles, of Minnesota
Nathan J. Boyack, of Washington
Robin Sophia Brooks, of Colorado
Christopher J. Brown, of Virginia
Todd Alan Campbell, of Illinois
Alice Ruth Chu, of Minnesota
Gordon Scott Church, of Tennessee
Jeanne L. Clark, of New York
Frances Juanita Crespo, of Texas
Gretchen McKeever Cureton, of Texas
Sarah J. Debbink, of the District of Columbia
Amy Wuebbels Diaz, of Texas
Rebecca Eve Dodds, of Oregon
Erin L. Eddy, of South Dakota
Sita M Farrell, of Virginia
Molly Pledge Flores, of Kansas
Mary Ann Freeman, of California
Chris W. Grantham, of Washington
Beth Bowden Herbolich, of Arizona
Saul Antonio Hernandez, of Georgia
Sabin Menzel Hinton, of Utah
Michelle Lynn Hoyt, of Virginia
Sarah Elizabeth Hutchison, of Virginia
David Jeffrey, of Washington
Eric N. Johnson, of Colorado
Hyun S. Kim, of Illinois
Kevin Matthew Kreutner, of the District of Columbia
Susanne Kuester, of Florida
Rebecca Lynn Landis, of California
Daniel B. Langenkamp, of the District of Columbia
Coby Dawne Lastuka, of Washington
Jean Bowman Leedy, of Texas
Lisa Shih-Yun Liao, of New York
Bruce Alexander Lipscomb III, of Virginia
Jeffrey Michael Loree, of New York
Ronita Michelle Macklin, of Ohio
Daniel Stewart Mattern, of New York
Suzanne Shelton McGuire, of Virginia
Russell C. Menyhart, of Indiana
Samuel S. Mikelson, of Virginia
Loren Giallanella Murad, of Massachusetts
Daniel R. Myers, of Oregon
Tracy J. Naber, of South Dakota
Hart Gabriel Nelson, of Missouri
Marlene Monfietto Nice, of Florida
Marlene Eguizabal Olsen, of Florida
Darby Andrew Parliament, of Colorado
Christopher Brent Patch, of Utah
Vanessa M. Paulos, of Texas
Margaret Hollis Peirce, of Florida
Michele Louise Petersen, of Virginia
Ellen Peterson, of New York
Scott Alan Reese, of Vermont
Jan Marlys Reilly, of New York
Ryan J. Roberts, of Texas
Mark Rosenshield, of Florida
Alexander D. Schrank, of the District of Columbia
Mahvash Siddiqui, of California
Alexis Lynn Smith, of Colorado
Christopher Welby Smith, of Virginia
Kim M. Steenberg, of Indiana
William B. Stevens, Jr., of Virginia
Paul W. Stevenson, of New York
Karan Elizabeth Swaner, of Virginia
Dmitri Tarakhovsky, of Mchigan
Mark August Tervakoski, of Florida
Celia Claire Thompson, of Texas
Elizabeth Kennedy Trudeau, of New Hampshire
Helene N. Tuling, of Washington
Mark Andrew Turner, of Virginia
Andrew Jonathan Webster-Main, of Washington
Brigid Reilly Weiller, of New York
Rhonda L. Wells, of Florida
Lilieth R. Whyte, of Colorado
Paula C. Wikle, of Florida
Ryan David Wirtz, of Florida

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Christopher Becker, of Illinois
S. Thomas Bruns, of Florida
Stacey T. Chow, of Virginia
Sarah K. Fox-Shin, of Maryland

Lola Z. Gulomova, of the District of Columbia
John R. Howell, of Virginia

DEPARTMENT OF STATE

Nathaniel W. Adams, of the District of Columbia
Melissa D. Ainley, of Virginia
Maria M. Arnett, of Virginia
Heather Marie Borland, of Virginia
Shawn Michael Boyd, of Virginia
John S. Brown, of Washington
Kathleen T. Bryda, of Virginia
Jessica Arias Bullock, of Virginia
Robert Alfred Bullock, of Virginia
Herbert Christian Chen, of Virginia
Jacob Kyung-Hwoon Choi, of Utah
Karin J. Churchey, of the District of Columbia
Karen Lynn Clark, of Texas
John Ramsey Clarke, of the District of Columbia
Donald R. Coleman, of California
Laura Susan Conaway, of Maryland
Cynthia Lauren Cook, of the District of Columbia
Marjorie Corlett, of Florida
Ethan K. Curbow, of Maryland
Ebony Rose Custis, of Maryland
Sandya Das, of California
Christopher Davenport, of Virginia
Bridget Davis, of New York
Andrea Jo DeArment, of Texas
Dustin DeGrande, of the District of Columbia
Daniel del Castillo, of Minnesota
William Anthony Denton, of the District of Columbia
Judd B. Devermont, of the District of Columbia
Luke T. Durkin, of Illinois
Emmerson W. Edwards, of the District of Columbia
Jon Kelly Emerson, of Maryland
Sarah Aileen Engelhardt, of Virginia
Mark D. Ericson, of Maryland
Alison R. Evans, of the District of Columbia
Robert T. Falzone, of Virginia
M. Margaret Ferrara, of Virginia
Kelly E. Folliard, of Florida
Jeremy J. Fowler, of the District of Columbia
Shawna L. Garner, of Virginia
Alexander Dimond Gordon, of the District of Columbia
Mary E. Goudey, of the District of Columbia
Miguel A. Guzman, of Virginia
Adam Halverson, of Wisconsin
Brian Harp, of New Hampshire
Christopher Thaddeus Weston Hartfield, of Georgia
David H. Haskett, of Maryland
Jillian A. Hayes, of the District of Columbia
Timothy F. Haynes, Jr., of New York
Lisa R. Hecht-Cronstedt, of Florida
Neil Helbraun, of Illinois
Jacqueline Brett Hernandez, of Florida
Shannon Piper Hill, of New Mexico
Andrea Smith Hlllyer, of Guam
Henry Howard III, of Connecticut
Thomas J. Hudak, of Virginia
Virsa Y. Hurt, of Tennessee
Mark T. Huse, of Virginia
Jason Ray Hutchison, of Florida
Brandon Jovan Jackson, of Florida
Sandra M. Jacobs, of Florida
Jamal Joseph Jafari, of the District of Columbia
Kelvin Jamison, of Indiana
Hugo A. Jimenez, of Florida
Sheena M. Johnson, of Virginia
Kyle T. Jones, of Oklahoma
N. Rashad Jones, of Georgia
Mark Richard Jorgensen, of Minnesota
Jerry G. Kalarickal, of Texas
Elizabeth A. Keene, of Texas
Salman K. Khalil, of Virginia
John P. Koser, of Virginia
Marianne B. L'Altrelli, of Pennsylvania
Andrew D. Lebkuecher, of Minnesota
Matthew L. Lee, of Virginia
Nancy M. Lew, of Oregon
Eleesha M. Lewis, of Florida
Eileen M. Liston, of Virginia
Lisa E. Mahoney, of Virginia
Patrick Martino, of Wisconsin
Britney Anjali McClary, of Florida
Kirk McDonald, of Florida
Deborah M. McGrath, of Wisconsin
Nina D. McLaughlin, of the District of Columbia
Briana Gribbin Meacham, of Pennsylvania
Amanda Johnson Miller, of the District of Columbia
Erin M. Molnar, of New York
Joan A. Morgan, of Virginia
Dali Mukherjee, of Virginia
Peter M. Munoz, of Virginia
Yomaris C. Nunez, of New York
Kathleen M. Nutt, of Virginia
James Patrick O'Brien, of Washington
John Burton O'Brien, of Florida
Daniel Patrick Ogan, of Virginia
Matthew Gereon Osborne, of Virginia
Paul A. Pavwoski, of the District of Columbia
Amanda K. Paz, of California
Benjamin Joseph Peracchio, of North Carolina
Matthew L. Petit, of Florida
Brett Andrew Pierce, of Virginia
Andrew J. Publicover, of Washington
Elizabeth A. Quiring, of Pennsylvania
Judnefera A. Rasayon, of Virginia
Alissa Meredith Redmond, of North Carolina
Robert Alexander Romanowski, of Virginia
Steven Meredith Rugge, of Virginia
Ryan Ruta, of Texas
Jennifer L. Sample, of Virginia
Nicolas Steven Samuelson, of Virginia
Benjamin Sand, of New York
Maria W. Sand, of New York
Seth E. Schleicher, of Virginia
Audrey Louise Schrader, of Virginia
Kyle E. Schrader, of California
Melissa L. Schumi, of the District of Columbia
Patricia A. Seeker, of Florida
Rosemarie E. Skelly, of Virginia
Tara E. Skrabanek, of Texas
Jason P. Spellberg, of Colorado
Ineke Margaret Stoneham, of the District of Columbia
Natella V. Svistunova, of Oregon
Dina Lucia Tamburrino, of Florida
Joseph P. Taves, of Virginia
Beverly A. Thacker, of Oregon
Mark Evan Trabue, of Virginia
Colleen M. Traughber, of Minnesota
Erin J. Truhler, of Minnesota
Mary Vargas, of California
Joseph William Wade, of Utah
David Austin Westenhofer, of Kentucky
Teresa Williamson, of Connecticut
Jonathan Wolfington, of the District of Columbia
Hanan Yehia, of Maryland
Matthew J. Zamary, of Virginia
Mark W. Zanolli, of Pennsylvania
Lindsey M. Zuluaga, of Pennsylvania

Consular Officer in the Diplomatic Service of the United States of America:

Joseph Ambrose Kenny, Jr., of Maryland

The following-named Career Member of the Senior Foreign Service of the Department of Agriculture for promotion within and into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister Counselor, effective March 20, 2009:

Philip A. Shull, of Virginia

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion within and into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister Counselor, effective January 6, 2008:

David Malcolm Robinson, Jr., of Connecticut

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion into and within the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

John E. Herbst, of Virginia
Ronald Lewis Schlicher, of Tennessee
Thomas A. Shannon, Jr., of Virginia
William Braucher Wood, of New York

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Mark L. Asquino, of Rhode Island
Barbara S. Aycock, of Oregon
Jess Lippincott Baily, of Georgia
Michael Anthony Butler, of Virginia
Mary Deane Conners, of Pennsylvania
Jeffrey W. Culver, of Virginia
Robert E. Davis, Jr., of Washington
David F. Davison, of Hawaii
James C. Dickmeyer, of Ohio
Ellen Connor Engels, of Virginia
Kathleen M. Fitzpatrick, of Maryland
Robert Stephen Ford, of Maryland
Alcy Ruth Frelick, of California
Kay E. Gotoh, of Virginia
Bradford Eugene Hanson, of Virginia
Douglas C. Hengel, of New York
Phillip P. Hoffmann, of New York
Michael Stephen Hoza, of Washington
Cherie J. Jackson, of Colorado
Kenneth Howard Jarrett, of New York
Richard E. Jaworski, of Michigan
Deborah Kay Jones, of New Mexico
Ian C. Kelly, of New Jersey
John Monroe Koenig, of Washington
June Heil Kunsman, of Missouri
Barry Jay Levin, of Missouri
Nancy Lee Manahan, of Florida
Scot Alan Marciel, of Virginia
C. Steven McGann, of California
Robert McKinnie, of Tennessee
Ronald Keith McMullen, of Iowa
Patricia N. Moller, of Pennsylvania
Roderick W. Moore, of Florida
Brian A. Nichols, of California
Richard Boyce Norland, of Missouri
James D. Pettit, of Virginia
Lisa A Piascik, of Virginia
Daniel William Piccuta II, of California
Robert A Pollard, of Virginia
Ronald J. Post, of Florida
Martin R. Quinn, of Virginia
Brooks A. Robinson, of California
Daniel Richard Russel, of California
Thomas F. Skipper, of California
Derwood Keith Staeben, of Wisconsin
Grace Caroly Stettenbauer, of Virginia
Karen Brevard Stewart, of Florida
Sharon E. W. Villarosa, of Texas
Mary Burce Warlick, of California
Edward J. Wehrli, of Texas
Joseph Yuosang Yun, of Oregon

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Theodore Allegra, of Colorado
Kurt E. Amend, of Washington
Larry Edward Andre, Jr., of Texas
Thomas H. Armbruster, of Florida
Bruce Armstrong, of Florida
Lisa Gamble Barker, of Rhode Island
Clare A. Barkley, of Maryland
Erica Jean Barks-Ruggles, of Virginia

John F. Berry, of Michigan
Timothy A. Betts, of California
James A. Boughner, of Washington
William Brent Christensen, of Oregon
Carl S. Cockburn, of Florida
Jonathan Raphael Cohen, of California
Maureen E. Cormack, of Illinois
John S. Creamer, of Virginia
Mark J. Davidson, of New Jersey
Jeffrey F. DeLaurentis, of New York
Laura Farnsworth Dogu, of Texas
Walter Douglas, of Nevada
Catherine I. Ebert-Gray, of Colorado
John J. Finnegan, Jr., of Virginia
Miachael J. Fitzpatrick, of Florida
Valerie L. Fowler, of Washington
Carlos Garcia, of Florida
Thomas B. Gibbons, of Virginia
Daniel Edward Goodspeed, of Virginia
Lawrence J. Gumbiner, of California
Blair P. Hall, of the District of Columbia
Daniel J. Hall, of Texas
Brent R. Hartley, of Maryland
Stuart M. Hatcher, of Virginia
William A. Heidt, of California
Debra P. Heien, of Washington
James William Herman, of Washington
Charles F. Hunter, of the District of Columbia
Karen E. Johnson, of Texas
Russell Warren Jones, Jr., of Illinois
Geraldine L. Kam, of California
Steven B. Kashkett, of Florida
Elizabeth Cooper Kauffman, of Florida
Sung Y. Kim, of California
Laura Jean Kirkconnell, of Florida
Philip S. Kosnett, of North Carolina
Robert R. Kuntz II, of California
Mary Beth Leonard, of the District of Columbia
Earle D. Litzenberger, of California
Naomi Emerson Lyew, of Pennsylvania
William John Martin, of California
Raymond D. Maxwell, of North Carolina
Elizabeth Kay Webb Mayfield, of Texas
Victoria Sharon Middleton, of Virginia
Jeffrey A. Moon, of Florida
Jonathan M. Moore, of Illinois
Wendela C. Moore, of Virginia
Tulinabo Salama Mushingi, of Virginia
Julieta Valls Noyes, of Florida
Julie H. Nutter, of Pennsylvania
Mary Monica O'Keefe, of Virginia
Theodore G. Osius, of the District of Columbia
Joseph M. Pomper, of Connecticut
Michael A. Raynor, of Maryland
Bruce David Rogers, of California
Sara A. Rosenberry, of Virginia
Christopher John Rowan, of Tennessee
Julie Ann Ruterbories, of Texas
Sue Ellen Saarnio, of Virginia
Michael R. Schimmel, of Michigan
Todd P. Schwartz, of Ohio
Kristen B. Skipper, of California
Dana Shell Smith, of California
Kurt D. Volker, of the District of Columbia
Paul Allen Wedderien, of California
Uzra S. Zeya, of Florida
Susan L. Ziadeh, of Washington
Benjamin G. Ziff, of California
Jane Buchmiller Zimmerman, of Virginia

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Aziz Ahmed, of Virginia
Douglas A. Allison, of Virginia
James Patrick Bacigalupo, of New York
Richard L. Boohaker, of Florida
Michael B. Bretz, of Florida
Todd James Brown, of Virginia
Panakkal David, of New York
John M. Davis, of Virginia
Edmund J. Gagliardi, Jr., of Pennsylvania
Leon G. Galanos, Jr., of New Hampshire
Timothy G. Haley, of Texas
Daniel Barrett Hogan, of Virginia
Martin Fortune Kraus, of Maryland
Daniel R. Muhm, of Washington
Joseph Michael Pate, of Tennessee
Steve G. Romero, of Virginia
David J. Schnorbus, of New York
Christian J. Schurman, of Virginia
Charles J. Slater, of Florida
Walter D. Storm, of Washington
Xavier Vazquez, of New York

UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY

Dennis Michael Klein, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years, vice John Schickel, resigned.

LEGISLATIVE SESSION

UNANIMOUS CONSENT AGREEMENT—S. 3001

Mr. REID. Mr. President, I ask unanimous consent that if the Senate receives from the House a correcting resolution to correct the enrollment of S. 3001 that is identical to the matter which is currently at the desk, then it be considered to have been agreed to and the motion to reconsider be laid upon the table; that if the House concurrent resolution is not identical, then this order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENING OF THE 111th CONGRESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.J. Res. 100, convening of the 111th Congress.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 100) appointing the day for the convening of the first session of the One Hundred Eleventh Congress and establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2008.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 100) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 756, that the nomination be confirmed and the motion to reconsider be laid upon the table, that no further motions be in order, that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today, the Senate confirmed five more executive nominations that were reported by the Judiciary Committee, including the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice.

The nominations considered today also include Jeffrey Leigh Sedgwick to run the Department's Office of Justice Programs, George W. Venables to be United States Marshal for the Southern District of California, Brian Albritton to be United States Attorney for the Middle District of Florida, and another that I have agreed to discharge from Committee: Dennis Michael Klein to be United States Marshal for the Eastern District of Kentucky. I thank Senator KENNEDY for his expedited consideration of Mr. KLEIN's nomination. He has long been focused on maintaining the qualifications of those appointed to be U.S. Marshals.

We tried as well to move forward with the President's nominations to the Privacy and Civil Liberties Oversight Board and the Sentencing Commission, but Republican holds prevented us from making progress and confirming President Bush's nominees to those important posts.

After today's confirmations, we have confirmed 40 executive nominations this Congress, including the confirmations of 13 U.S. attorneys, 9 U.S. marshals, a member of the U.S. Sentencing Commission, another Attorney General, Deputy Attorney General, Associate Attorney General, and Solicitor General. Eighteen of those nominations will have been confirmed this year alone, despite this being a Presidential election year.

Of course, we have considered these executive nominations while simultaneously moving forward with the confirmation of dozens of President Bush's judicial nominations. I have spoken many times about the partisan actions of the Republican-led Senate that created a judicial vacancies crisis by not considering circuit court nominees in 1996, 1997 and 1998. Those years included

the congressional session in the 1996 Presidential election year, when the Republican Senate majority confirmed only 17 judicial nominations and refused to allow the Senate to confirm even one circuit court judge. That same presidential election year the Republicans confirmed just four of President Clinton's executive nominees. By comparison, with today's confirmations, we have confirmed 18 of President Bush's.

As we prepare to close this Congress, I thank the members of the Judiciary Committee for the tireless work that resulted in the confirmation of 68 of President Bush's nominees to lifetime appointments to the Federal bench. This work was all the more impressive because of the time and effort we devoted to rebuilding and restoring the Department of Justice after years of scandals led to the resignations of the Department's entire senior leadership.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Those efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability.

After we exposed and uncovered the abuses at the Department, we referred a number of matters to the Department's Inspector General, OIG, and Office of Professional Responsibility, OPR, for further investigation. The three reports we have now received from those internal investigations have confirmed the worst of our findings and our fears.

The first two reports confirmed what the Judiciary Committee uncovered about the politicization of hiring practices at the Department. They confirmed that the same senior Department officials involved with the firing of United States Attorneys were injecting improper political motives into the process of hiring attorneys for career positions throughout the Department, from career prosecutors, to immigration judges, to young attorneys through the Department's prestigious honors program.

Just this week, OIG and OPR issued a third report, this one validating our findings about the improper and unprecedented firing of U.S. Attorneys for political reasons. These findings add up to another disturbing report card on the conduct of the Gonzales Justice Department. This report confirms that the two most senior officials at the Department of Justice—Attorney General Alberto Gonzales and Deputy Attorney General Paul McNulty—''abdicated their responsibility to safeguard the integrity and independence of the Department by failing to ensure that the removal of U.S. Attorneys was not based on improper political considerations.'' It confirms what I have said all along—the responsibility for this debacle was not the work of a few bad apples, as Attorney General Mukasey, former Attorney General Gonzales have suggested. Responsibility rests at the top, and at the White House.

This report might have told us even more if the investigation had not been impeded by the Bush administration's refusal to cooperate and provide documents and witnesses. In this debacle as in others, the Bush administration's self-serving secrecy has shrouded many of their most controversial policies—from torture, to investigating the causes of 9/11, to wiretapping. The evidence in our investigation and in reports from the Inspector General and Office of Professional Responsibility shows that Karl Rove and others from the highest ranks of the White House were involved in the firings and focused on the political impact of Federal prosecutions. The White House should not be allowed to hide from accountability.

Even though it has been clear for a long time that Attorney General Gonzales allowed politics to permeate the Department's ranks, he continues to try to avoid accountability. He has provided the Inspector General the same response he gave so frequently to Congress: I don't recall. The threads of secrecy of this administration—from the White House to the Executive agencies—will continue to unravel for years to come.

When this investigation was handed over to a Federal criminal prosecutor recently to determine whether there was criminal wrongdoing, I warned the President that the American people will see any use of the pardon power or any grant of clemency or immunity to those from his administration involved in the U.S. Attorney firing scandal as an admission of wrongdoing and another misuse of power. His administration has stonewalled the Congress and the inspector general. They should come clean. They should have testified and given us the information we were forced to subpoena. We do not want to see another repeat of the Scooter Libby misuse of power where the President's people misled investigators and then he excused them from their lies and evasiveness. There should be accountability and consequences.

Our oversight efforts did not complete our work. In the last year alone we have held eight hearings to replenish the leadership ranks at the Department. We confirmed the new Attorney General last November. Today, in confirming Mr. Garre's nomination to be Solicitor General, we complete that work.

The position of Solicitor General is a critical post that encompasses duties quite different than any other lawyer in the Government. The Solicitor General is not only one of the highest ranking officials at the Justice Department and the chief advocate on behalf of the United States Government, but also holds a unique position as an officer of the court, with a duty to bring forward aspects of cases that the Supreme Court might not otherwise know. Because of this critical role, the Solicitor General is often called ''the Tenth Justice.''

I remain concerned about many of the positions he has advocated while serving in the Solicitor General's office and more recently as Acting Solicitor General. For example, I strongly disagree with the administration's position last year in Ledbetter v. Goodyear Tire and Rubber Co., a case in which the Supreme Court stuck a severe blow to the rights of working women to equal pay for equal work and to all working Americans. The amicus brief filed by the government, which Mr. Garre signed as Principle Deputy Solicitor General, helped bring about that wrong decision. I strongly believe it was contrary to the purpose and intent of Congress' bipartisan efforts to root out discrimination against working women.

For nearly two decades, Lilly Ledbetter, a supervisor at Goodyear Tire, was paid significantly less than her male counterparts. Nevertheless, the brief Mr. Garre signed contended that she was not eligible for title VII protection against discriminatory pay because she did not file her claim within 180 days of Goodyear's discriminatory pay decision. That view contradicted the position of the Equal Employment Opportunity Commission, which had stated that each paycheck could separately provide a cause of action. The administration's position was wrong and provided cover for the Court to throw out a jury verdict and compound the harm from the discrimination against Ms. Ledbetter. I hope that, once confirmed, Mr. Garre will take seriously the intent of Congress and the need for equal justice for all in advocating the position of the United States before the Federal courts.

I also disagree strongly with the position taken in an amicus brief this year signed by Mr. Garre in Crawford v. Marion County Election Board. In this Supreme Court case Mr. Garre argued that Indiana's requirement of a photo identification for voting was ''reasonable'' and furthered the State's interest in combating vote fraud. He made this argument even though in-person voter fraud has proven time and time again to be a myth, and evidence shows that photo ID laws have already served

to disenfranchise some of the most vulnerable American voters. In several instances elderly nuns who were not able to vote as a result of Indiana's laws. Although the Supreme Court agreed with Mr. Garre's position, 6–3, the Court left the door open for ''as applied'' challenges and statutory challenges to laws that burden voters' fundamental right to participate in the electoral process by mandating a photo ID. If confirmed, I hope Mr. Garre will act as he said in his hearing he would to enforce the Voting Rights Act's antidiscrimination provisions against State photo ID laws that deter minority voter participation.

I hope Mr. Garre shares my view that it is vital that we ensure that we have a functioning, independent Justice Department, and that we ensure that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

Jeff Sedgwick will also have an important role to play in the few months remaining in this administration. The Office of Justice Programs plays a vital role in developing the Nation's capacity to prevent and control crime and compensating and assisting crime victims. Crime, including violent crime, has been on the rise, particularly in rural areas and smaller cities. Many of us think it is in part the consequence of this administration's failure to provide financial assistance to our state and local law enforcement partners. Despite our repeated warnings, the Bush administration has systematically tried to dismantle Federal support for local and state law enforcement that was being provided through our successful Community-Oriented Policing Services, COPS, program, Byrne grants and other programs. Under President Bush, billions have been cut from our state and local law enforcement efforts while we continue writing blank checks for police in Iraq. I hope that Mr. Sedgwick helps us reverse this trend and turn the tide back against crime in rural areas and smaller cities where it has been on the rise.

I congratulate the nominees and their families on their confirmations today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ANDEAN TRADE PREFERENCE EXTENSION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7222, which was received from the House.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 7222) to extend the Andean Trade Preferences Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, President John F. Kennedy said that ''if a free society cannot help the many who are poor, it cannot save the few who are rich.''

This week, Congress has worked hard on the American economy. No matter how grave our problems today, America remains the world's richest nation. Our domestic challenges are great. But ours remains a land of opportunity and prosperity.

With our own economy in hard times, it is easy to forget the world's poorest. It is easy to forget that more than a billion people around the world live on a dollar a day or less. Concerned about maintaining our own standard of living, we can forget that the wealth of too many consists of little more than the clothes on their backs and the few coins in their pockets.

The legislation that we consider today proves we are not an island—economically or morally. Today's legislation accomplishes four key objectives. It extends the Generalized System of Preferences for 1 year, extends the Andean Trade Preferences Act for 6 months to 1 year, with safeguards to ensure that Bolivia and Ecuador comply with that program's rules, affords the Dominican Republic enhanced access to the U.S. market in a way that benefits U.S. producers, and allows our trade preference program with Africa—known as AGOA—to work better.

I am proud that, by considering and passing this legislation, America again proves that we are still capable of thinking of others. By acting on this bill, Americans underscore that those who do not share our wealth must not be denied hope for a better life. By extending our trade preference programs, Americans reaffirm the fundamental belief that the world's poor are no less human than we are, and they deserve a fair shake for a hard day's work.

America has crafted trade preference programs for those hundreds of millions of poor around the world, not with a handout, but with a leg up. These preference programs offer more than 130 countries a way out of extreme poverty—poverty that is not just morally repugnant, but politically destabilizing. Our GSP and ATPA programs give developing country workers a living, rewards productive investment, and grants better access to America's market.

The benefits of these programs are mutual and create jobs that earn good wages in Montana and the rest of the country. Retail and transportation jobs in America depend on flower exports from Ecuador and Colombia. We sell American cotton to Andean and Dominican textile buyers who turn it into fabric and apparel. American manufacturers rely on imports from GSP beneficiaries to lower input costs on electrical parts and building materials. And American consumers benefit from lower priced products from diamond rings to tires.

Our preference programs are not perfect. My colleagues and I are concerned that our preference programs may help those who do not need or deserve our help. We are concerned that certain beneficiary countries boast globally competitive industries and wealthy owners. We are concerned that certain beneficiary countries show disdain for America's foreign policies and do not provide adequate protections for the American companies operating in those countries.

Yet I recognize that the good and prosperity of the many cannot be sacrificed to punish the few. The inappropriate actions of a few cannot lead us to inaction that hurts the many and throws entire economies into a spiral of insecurity and poverty.

This legislation on our preference programs is no blank check. Our preference programs require beneficiary countries to protect U.S. investment and intellectual property and to provide workers with internationally recognized worker rights. Our programs provide the administration with the flexibility to work within the program in order to determine whether or not to designate a country a beneficiary country. And when beneficiary countries do not abide by these eligibility criteria, they must be held responsible. I commend the administration for launching an ATPA review of Bolivia to ensure that it continues to abide by the eligibility criteria.

Our preference programs also contain measures to make sure that developing countries that become globally competitive graduate to operate under the same terms as the rest of America's trading partners.

These policies are not perfect. No policy this body passes is static. Every policy requires review and reevaluation to make sure it works how it should, for whom it should. As chairman of the Finance Committee, I am committed with my colleagues to reviewing and reevaluating our trade preference programs to make them work better for Americans and our trading partners.

Let us do things the right way, the American way, and extend our preference programs.

Mr. LEVIN. I ask unanimous consent that a Reid substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5695) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 7222), as amended, was read the third time, and passed.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 440, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 440) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the concurrent resolution, as amended, be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5692) was agreed to, as follows:

(Purpose: To change the date of the reconvening of the Senate)

On page 1, line 3, strike ''from Monday, September 29, 2008, through Friday, October 3, 2008,''

On page 2, line 2, strike ''that'' and all that follows through line 9 and insert:

''the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution.''

On page 2, line 15, strike ''time'' and insert ''respective time''.

The concurrent resolution (H. Con. Res. 440), as amended, was agreed to, as follows:

H. CON. RES. 440

Resolved, That the resolution from the House of Representatives (H. Con. Res. 440) entitled ''Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.'', do pass with the following amendments:

On page 1, line 3, strike ''from Monday, September 29, 2008, through Friday, October 3, 2008,''

On page 2, line 2, strike ''that'' and all that follows through line 9 and insert: ''the Senate may adjourn or recess at any time from Thursday, October 2, 2008, through January 3, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee until such time as specified in that motion, but not beyond noon on January 3, 2009, and it may reassemble pursuant to section 2 of this concurrent resolution.''

On page 2, line 15, strike ''time'' and insert: ''respective time''.

COMMENDING DAVID J. TINSLEY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 702, and I ask that the resolution be read in full.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 702) commending David J. Tinsley on his service to the United States Senate.

Whereas Dave Tinsley, a native of the Commonwealth of Virginia and graduate of Virginia Tech and the University of Maryland, has worked in the Office of the Secretary of the Senate since October 1977;

Whereas Dave Tinsley has served the Senate with distinction as a staff assistant, a reference assistant, as the assistant Executive Clerk, assistant Journal Clerk and assistant Legislative Clerk;

Whereas Dave Tinsley has, since 1999, served as the Senate's Legislative Clerk and Director of Legislative Services, supervising 36 employees and has at all times discharged his duties with dedication and diligence;

Whereas Dave Tinsley's sonorous voice is known to all in the Senate and the C–SPAN audience;

Whereas Dave Tinsley has earned the respect and affection of the Senators, their staffs and all of his colleagues for his calm and kind demeanor and his good humor; and

Whereas Dave Tinsley now retires from the Senate after 31 years to spend more time with his wife, Jane, and his children, Joe, Dan and Katie: Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Dave Tinsley and commends him for his lengthy, faithful and outstanding service to the Senate.

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to David J. Tinsley.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I would only say, for those who are either reading the RECORD at this point or watching or listening to the proceedings, that our leaders spoke last night eloquently about Dave Tinsley, his service to this Senate, to the Nation. Somehow or other, I would love to see this resolution connected with those words that were spoken in a very historic moment last night, with, I think, just about every Senator in the Chamber, with the gallery filled, that if I could make an incorporation by reference, I would love to do that. But I think I better resist the temptation to do that and simply refer our listeners and readers to last night's proceedings.

Our leaders spoke for not just every Senator but every member of the staff. Anyone who has known Dave and the great work he has done for us and his loyalty to this institution is grateful for that service and for those wonderful words last night of our leaders.

So, Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 702) was agreed to.

The preamble was agreed to.

ORDERS FOR MONDAY, OCTOBER 6, 2008, THROUGH MONDAY, NOVEMBER 17, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess and convene at 3 p.m. on Monday, October 6, 2008, for a pro forma session with no business conducted, except with the concurrence of the two leaders; that following the pro forma session, the Senate recess for pro forma sessions with no business conducted on the following days and times: Tuesday, October 7 at 11 a.m.; Friday, October 10 at 11 a.m.; Tuesday, October 14 at 12:30 p.m.; Thursday, October 16 at 10 a.m.; Monday, October 20 at 3 p.m.; Thursday, October 23 at 2 p.m.; Monday, October 27 at 9 a.m.; Thursday, October 30 at 9:15 a.m.; Monday, November 3 at 10 a.m.; Thursday, November 6 at 11 a.m.; Monday, November 10 at 1 p.m.; and Thursday, November 13 at 3 p.m.

I further ask unanimous consent that when the Senate completes its pro forma session on Thursday, November 13, the Senate recess until 12 noon on Monday, November 17, and that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, the Senate will be in pro forma sessions until November 17, unless the House of Representatives fails to pass or amends H.R. 1424, the economic stabilization legislation. If the Senate is required to act further, the Senate could resume legislative session on Monday, October 6.

RECESS UNTIL MONDAY, OCTOBER 6, 2008

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 6:05 p.m., recessed until Monday, October 6, 2008, at 3 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

COAST GUARD NOMINATIONS BEGINNING WITH MICAH N. ACREE AND ENDING WITH MICHAEL J. ZERUTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 26, 2008.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

KATHERINE O. MCCARY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009.

CHAD COLLEY, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

VICTORIA RAY CARLSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

TONY J. WILLIAMS, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009.

JOHN R. VAUGHN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

JOHN J. FASO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013.

JOE MANCHIN III, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2012.

HARVEY M. TETTLEBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2012.

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

HEATHER MCCALLUM, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014.

MICHAEL YOUNG, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014.

DAVE HEINEMAN, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

ESIN GULARI, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

DIANE L. SOUVAINE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

JOANN FALLETTA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2012.

LEE GREENWOOD, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014.

The Senate Committee on Finance was discharged from further consideration of the following nomination and the nomination was confirmed:

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ORNA T. BLUM AND ENDING WITH ALICE G. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JONATHAN S. ADDLETON AND ENDING WITH RICHARD WINSLOW WHELDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JONATHAN TREVOR AUSTIN AND ENDING WITH DAVID MALCOLM ROBINSON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN E. HERBST AND ENDING WITH XAVIER VAZQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

ANTHONY H. GIOIA, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KAREN ELLIOTT HOUSE, OF NEW JERSEY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination and the nomination was confirmed:

DENNIS MICHAEL KLEIN, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate Thursday, October 2, 2008:

DEPARTMENT OF VETERANS AFFAIRS

CHRISTINE O. HILL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

DEPARTMENT OF STATE

MATTHEW A. REYNOLDS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARYOF STATE (LEGISLATIVE AFFAIRS).

BRIAN H. HOOK, OF IOWA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS).

C. STEVEN MCGANN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

CAROL ANN RODLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

SUNG Y. KIM, OF CALIFORNIA, A FOREIGN SERVICE OFFICER OF CLASS ONE, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE SIX PARTY TALKS.

DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS.

FEDERAL LABOR RELATIONS AUTHORITY

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 1, 2009, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010.

POSTAL REGULATORY COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR THE TERM EXPIRING NOVEMBER 22, 2014.

DEPARTMENT OF DEFENSE

MICHAEL BRUCE DONLEY, OF VIRGINIA, TO BE SECRETARY OF THE AIR FORCE.

NATIONAL SECURITY EDUCATION BOARD

DAVID H. MCINTYRE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

MARK J. GERENCSER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014.

BRUCE M. RAMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

ELIZABETH SEMBLER, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2014.

LORETTA CHERYL SUTLIFF, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) CHRISTOPHER C. COLVIN
REAR ADM. (LH) DAVID T. GLENN
REAR ADM. (LH) MARY E. LANDRY
REAR ADM. (LH) RONALD J. RABAGO
REAR ADM. (LH) PAUL F. ZUKUNFT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) THOMAS F. ATKIN
REAR ADM. (LH) KEVIN S. COOK
REAR ADM. (LH) DANIEL A. NEPTUN
REAR ADM. (LH) THOMAS P. OSTEBO
REAR ADM. (LH) STEVEN H. RATTI
REAR ADM. (LH) JAMES A. WATSON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

DENNIS MICHAEL KLEIN, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

ANTHONY H. GIOIA, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OFTHE UNITED NATIONS.

KAREN ELLIOTT HOUSE, OF NEW JERSEY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014.

MICHAEL YOUNG, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2014.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

DAVE HEINEMAN, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOHN J. FASO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2013.

JOE MANCHIN III, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2012.

HARVEY M. TETTLEBAUM, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2012.

NATIONAL COUNCIL ON DISABILITY

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

HEATHER MCCALLUM, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011.

KATHERINE O. MCCARY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009.

CHAD COLLEY, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

VICTORIA RAY CARLSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

TONY J. WILLIAMS, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009.

JOHN R. VAUGHN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JOANN FALLETTA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2012.

LEE GREENWOOD, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014.

NATIONAL SCIENCE FOUNDATION

ESIN GULARI, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

DIANE L. SOUVAINE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

DEPARTMENT OF JUSTICE

JEFFREY LEIGH SEDGWICK, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

GREGORY G. GARRE, OF MARYLAND, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

GEORGE W. VENABLES, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

A. BRIAN ALBRITTON, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

ELECTION ASSISTANCE COMMISSION

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011.

GINEEN BRESSO BEACH, OF NEW YORK, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2009.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) TIMOTHY V. FLYNN III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GEORGE W. BALLANCE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. PATRICK J. O'REILLY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U. S. C., SECTIONS 601 AND 10502:

To be general

LT. GEN. CRAIG R. MCKINLEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM G. WEBSTER, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DANIEL B. ALLYN
BRIGADIER GENERAL RODNEY O. ANDERSON
BRIGADIER GENERAL JAMES O. BARCLAY III
BRIGADIER GENERAL ARTHUR M. BARTELL
BRIGADIER GENERAL JOHN R. BARTLEY
BRIGADIER GENERAL JOHN M. BEDNAREK
BRIGADIER GENERAL DONALD M. CAMPBELL, JR.
BRIGADIER GENERAL JOHN F. CAMPBELL
BRIGADIER GENERAL CHARLES T. CLEVELAND
BRIGADIER GENERAL JEFFREY J. DORKO
BRIGADIER GENERAL KENNETH S. DOWD
BRIGADIER GENERAL MICHAEL FERRITER
BRIGADIER GENERAL MICHAEL T. FLYNN
BRIGADIER GENERAL WILLIAM B. GARRETT III
BRIGADIER GENERAL JAMES L. HODGE
BRIGADIER GENERAL JAMES L. HUGGINS, JR.
BRIGADIER GENERAL JOHN D. JOHNSON
BRIGADIER GENERAL NICKOLAS G. JUSTICE
BRIGADIER GENERAL SUSAN S. LAWRENCE
BRIGADIER GENERAL KEVIN A. LEONARD
BRIGADIER GENERAL GREGG F. MARTIN
BRIGADIER GENERAL JAMES M. MILANO
BRIGADIER GENERAL JOHN W. PEABODY
BRIGADIER GENERAL DAVID G. PERKINS
BRIGADIER GENERAL JAMES L. TERRY
BRIGADIER GENERAL MICHAEL S. TUCKER
BRIGADIER GENERAL JOSEPH L. VOTEL
BRIGADIER GENERAL FRANCIS J. WIERCINSKI
BRIGADIER GENERAL TERRY A. WOLFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. H. STEVEN BLUM

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL GARRY C. DEAN
BRIGADIER GENERAL STEVEN R. DOOHEN
BRIGADIER GENERAL DONALD E. FICK
BRIGADIER GENERAL KATHLEEN E. FICK
BRIGADIER GENERAL LINDA K. MCTAGUE
BRIGADIER GENERAL ALAN W. PALMER
BRIGADIER GENERAL CHARLES E. TUCKER, JR.
BRIGADIER GENERAL JANNETTE YOUNG

To be brigadier general

COLONEL JOHN D. BLEDSOE, JR.
COLONEL BREWSTER S. BUTTERS
COLONEL CHARLES E. FOSTER, JR.
COLONEL MARK R. KRAUS
COLONEL CATHERINE S. LUTZ
COLONEL JOSEPH K. MARTIN, JR.
COLONEL JAY M. PEARSALL
COLONEL JAMES W. SCHROEDER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALAN S. THOMPSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KARLYNN P. O'SHAUGHNESSY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARROLL F. POLLETT

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH MICAH N. ACREE AND ENDING WITH MICHAEL J. ZERUTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 26, 2008.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ORNA T. BLUM AND ENDING WITH ALICE G. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JONATHAN S. ADDLETON AND ENDING WITH RICHARD WINSLOW WHELDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JONATHAN TREVOR AUSTIN AND ENDING WITH DAVID MALCOLM ROBINSON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN E. HERBST AND ENDING WITH XAVIER VAZQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

IN THE AIR FORCE

AIR FORCE NOMINATION OF SARAH C. L. SCULLION, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF RICHARD E. CUTTS, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF KARL L. BROWN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH ANDREW T. HARKREADER AND ENDING WITH TARIS S. HAWKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DARRELL I. MORGAN AND ENDING WITH ROGER E. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS R. REED AND ENDING WITH VIJAYALAKSHMI SRIPATHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

AIR FORCE NOMINATION OF DANIEL URIBE, TO BE COLONEL.

AIR FORCE NOMINATION OF MARK A. LAMBERTSEN, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF RANDY L. MANELLA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF TIMOTHY W. RICKS, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MARCO V. GALVEZ AND ENDING WITH JOHN T. SYMONDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN J. ABBATIELLO AND ENDING WITH TIMOTHY A. ZOERLEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MICHELLE T. AARON AND ENDING WITH JULIE F. ZWIES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ELAINE M. ALEXA AND ENDING WITH DENNIS C. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH NICOLA S. ADAMS AND ENDING WITH TAMBRA L. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JADE A. ALOTA AND ENDING WITH MICHELLE L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT L. CLARK AND ENDING WITH JOHN K. BINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

AIR FORCE NOMINATION OF THEODORE A. MICKLE, JR., TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL G. BUTEL AND ENDING WITH TIMOTHY S. WOODRUFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

IN THE ARMY

ARMY NOMINATION OF ALLEN D. FERRY, TO BE COLONEL.

ARMY NOMINATION OF STEPHEN E. HUSKEY, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JENNIFER A. HISGEN AND ENDING WITH VIVIAN C. SHAFER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

ARMY NOMINATIONS BEGINNING WITH KORD H. BASNIGHT AND ENDING WITH FRANK D. WHITNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

ARMY NOMINATIONS BEGINNING WITH BRADLEY AEBI AND ENDING WITH JONATHAN YUN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

ARMY NOMINATIONS BEGINNING WITH JULIE A. AKE AND ENDING WITH SCOTT E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

ARMY NOMINATION OF MARK V. FLASCH, TO BE COLONEL.

ARMY NOMINATION OF STEVEN B. HORTON, TO BE COLONEL.

ARMY NOMINATION OF MARY F. BRAUN, TO BE COLONEL.

ARMY NOMINATION OF JAMES C. BAYLEY, TO BE COLONEL.

ARMY NOMINATION OF JOSE R. RAFOLS, TO BE MAJOR.

ARMY NOMINATION OF MATTHEW MYLES, TO BE MAJOR.

ARMY NOMINATION OF JAYANTHI KONDAMINI, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KATHERINE G. ARTERBURN AND ENDING WITH JESSE C. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

ARMY NOMINATIONS BEGINNING WITH LEEANN M. CAPACE AND ENDING WITH DUAINE J. KACZINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

ARMY NOMINATIONS BEGINNING WITH JOB ANDUJAR AND ENDING WITH RALPH LAYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2008.

ARMY NOMINATION OF CHRIS D. FRITZ, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SHANNON B. BROWN AND ENDING WITH ARNOLD K. IAEA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

ARMY NOMINATIONS BEGINNING WITH HOWARD DAVIS AND ENDING WITH JAMES WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

ARMY NOMINATION OF KATHERINE L. FROEHLING, TO BE COLONEL.

ARMY NOMINATION OF JONATHAN E. KRAFT, TO BE COLONEL.

ARMY NOMINATION OF D060712, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PHILIP W. GAY AND ENDING WITH TIMOTHY N. THOMBLESON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATION OF D060652, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TYRONE P. CRABB, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHAEL M. KING AND ENDING WITH BRADLEY C. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATIONS BEGINNING WITH D060674 AND ENDING WITH D060715, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATION OF D060834, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH D060478 AND ENDING WITH D060552, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATIONS BEGINNING WITH D060513 AND ENDING WITH D070008, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATIONS BEGINNING WITH JONATHAN S. ACKISS AND ENDING WITH D070159, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATIONS BEGINNING WITH STEPHEN L. ADAMSON AND ENDING WITH X0005, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATIONS BEGINNING WITH MATTHEW T. ADAMCZYK AND ENDING WITH D060798, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

ARMY NOMINATION OF NATHAN V. SWEETSER, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH DAVID E. GRAETZ AND ENDING WITH STEPHEN E. VAUGHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2008.

ARMY NOMINATIONS BEGINNING WITH ORMAN W. BOYD AND ENDING WITH D060774, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2008.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER C. CARLSON AND ENDING WITH JAMES G. WINTER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KURT A. SEBASTIAN AND ENDING WITH GLENN M. SULMASY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

COAST GUARD NOMINATIONS BEGINNING WITH JOHN J. ARENSTAM AND ENDING WITH JOHN D. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

COAST GUARD NOMINATIONS BEGINNING WITH LARA A. ANDERSON AND ENDING WITH CHRISTOPHER H. ZORMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

COAST GUARD NOMINATIONS BEGINNING WITH ROBERT P. BRANC AND ENDING WITH HEKMAT D. TAMIMIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 16, 2008.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH ANTHONY M. GRIFFAY AND ENDING WITH ANDREW G. LIGGETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATION OF PATRICK J. FULLERTON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOSHUA D. CROUSE AND ENDING WITH DAVE S. EVANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH MATTHEW E. DUBROW AND ENDING WITH ROBERT S. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH ZACHARY A. BEEHNER AND ENDING WITH DAVID R. WILCOX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH DENVER L. APPLEHANS AND ENDING WITH CHRISTOPHER S. SERVELLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH LYLE P. AINSWORTH AND ENDING WITH JUAN C. VARELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH RODNEY O. ADAMS AND ENDING WITH STEVEN T. WISNOSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY R. CAMPO AND ENDING WITH JOHN E. WOODS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL M. ANDREWS AND ENDING WITH JOSEPH ZULIANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH LASUMAR R. ARAGON AND ENDING WITH SARAH E. ZARRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH AUDREY G. ADAMS AND ENDING WITH JAMES B. VERNON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH ADAM L. ALBARADO AND ENDING WITH DENNIS M. ZOGG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH EMMANUEL C. ARCELONA AND ENDING WITH BERNERD C. ZWAHLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH CAL R. ABEL AND ENDING WITH CHARLES B. ZUHOSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 30, 2008.

NAVY NOMINATIONS BEGINNING WITH STEVIC B. ABAD AND ENDING WITH NATHAN J. WONDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DANA E. ADKINS AND ENDING WITH VINCENT A. I. ZIZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER W. ABBOTT AND ENDING WITH TOM A. ZURAKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CATHERINE K. K. CHIAPPETTA AND ENDING WITH SYLVAINE W. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH PAUL G. ALBERS AND ENDING WITH JOHN P. ZALAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED INTHE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH JOSEPH K. AHN AND ENDING WITH DAVID M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CASSIE L. ALLEN AND ENDING WITH DAVID S. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH FERDINAND D. ABRIL AND ENDING WITH YUE K. ZHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATIONS BEGINNING WITH PALMO S. BARRERA AND ENDING WITH HORACIO G. TAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2008.

NAVY NOMINATION OF JEFFEREY R. JERNIGAN, TO BE CAPTAIN.

EXTENSIONS OF REMARKS

POCKET-VETO POWERS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Ms. PELOSI. Madam Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Republican Leader, Mr. BOEHNER. It is addressed to President Bush. In it, we express our views on the limits of the "pocket-veto" power. I also submit a copy of the letters referenced therein.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 14, 2008.

Hon. GEORGE W. BUSH,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions of December 28, 2007, on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, which you returned to the House of Representatives without your approval. In returning the parchment you transmitted a memorandum of disapproval stating your objections to enactment of the bill. This memorandum of disapproval included the following paragraph:

"The adjournment of the Congress has prevented my return of H.R. 1585 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to 'pocket veto' bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the non-enactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed."

The circumstances surrounding the presentment and return of H.R. 1585 and the readiness of Congress to reconsider the bill in light of Presidential objections compel us to question the assertion that a pocket veto did or could have occurred. We think you agree that the pocket veto and the return veto are available on mutually exclusive bases and, therefore, during mutually exclusive periods. We think you should also agree that the constitutional concern that a bill not become law without the President's signature when an adjournment prevents a return veto does not arise when the President is able to return the parchment to the originating House with a statement of his objections. Accordingly, we believe that your return of H.R. 1585 with your objections is absolutely inconsistent with this most essential characteristic of a pocket veto, to wit: retention of the parchment by the President for lack of any body to whom he might return it with his objections. Your successful return of H.R. 1585 establishes that you were not prevented from returning it.

H.R. 1585 was presented to you on December 19, 2007. You returned the bill on December 28, 2007—the eighth of the ten days allowed under the Constitution. The Clerk was available pursuant to the standing rules of the House to receive your message. The Congress was in a position to reconsider the bill in light of Presidential objections, even in the first session of the instant Congress. Although the House had adjourned sine die (without specifying a day of return), it did so with provision for its reassembly. Moreover, both houses were to reassemble in due course for a second session of the instant Congress.

After an enrolled bill is presented for Presidential approval, the parchment ultimately meets one of four ends. It might be tendered to the Archivist by the President because he signed it or allowed it to become law without his signature. It might be referred to committee by the first house to sustain a veto. It might be tendered to the Archivist by the second house to override a veto. Or it might be retained by the President because he "pocketed" it. If the President returns a parchment to the Congress, then he has not pocketed it, and it therefore is subject to reconsideration. Either the Congress has prevented the President from returning the parchment with a statement of his objections or it has not. By returning the parchment a President is admitting that he is not prevented from returning it.

The House has treated your message of December 28, 2007, on H.R. 1585 as a return veto. On January 15, 2008, the message—comprising the parchment and your memorandum of disapproval—was laid before the House. After the memorandum was read, your objections were entered in the Journal and the House obeyed the command of the Constitution to "proceed to reconsider" the bill. Rather than immediately considering the ultimate question on overriding or sustaining the veto, the House chose as its first mode of reconsideration a referral to committee.

We enclose for your consideration copies of previous letters to President George H. W. Bush and President Clinton, respectively dated November 21, 1989, and September 7, 2000. Those letters from Speaker Foley and Leader Michel and from Speaker Hastert and Leader Gephardt expressed the profound concern of the bipartisan leaderships over similar assertions of pocket vetoes. We echo those concerns and urge you to give appropriate deference to such judicial resolutions of this question as have been possible.

Thank you for your attention to this matter.

Best regards,

NANCY PELOSI,
Speaker of the House.
JOHN A. BOEHNER,
Republican Leader.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such

assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.

RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would ''prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.'' You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a ''hand enrollment'' of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that ''pocket veto'' is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.

ROBERT H. MICHEL,
Republican Leader.

ON THE BIRTH OF JUDAH CHRISTOPHER CALLAHAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Paul and Jenni Callahan on the birth of their new baby boy. Judah Christopher Callahan was born on September 30, 2008, weighing nine pounds. Judah joins an older sister, Charlotte. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His father, Paul, serves as senior legislative assistant in the office of the Second Congressional District of South Carolina.

I want to congratulate Judah's grandparents, Gerald and Madonna Callahan of Greenville, South Carolina, and Steve and Pam Crowe of Greenville, South Carolina. On behalf of my wife Roxanne, and our entire family, we want to wish Paul, Jenni, Charlotte, and Judah all the best.

RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize October as National Breast Cancer Awareness month. Excluding skin cancer, breast cancer is the most common cancer among women, accounting for more than 1 in 4 cancers diagnosed in women in the United States. Breast cancer incidence and death rates generally increase with age. White women have a higher incidence of breast cancer than African American women after the age of 40. In contrast, African American women have a higher incidence rate before the age of 40. Of great concern is the racial disparity that exists in terms of breast cancer outcomes. In the United States, African American women are 37 percent more likely to die from breast cancer than Caucasian women, with 5-year survival rates being 77 percent and 90 percent, respectively. This discrepancy is unacceptable.

Health disparities related to breast cancer exist primarily due to poor early detection of the cancer and limited access to high-quality treatment. A lack of health insurance usually is linked with one having a more advanced stage of cancer at the time of diagnosis. The presence of supplementary illnesses, lower socioeconomic status, unequal access to medical care, and disparities in treatment may contribute to the observed differences in survival between lower and higher income breast cancer patients, specifically between African American and white women.

Many institutions are taking the initiative to understand and address these disparities. I am proud that a hospital in my Congressional district has accepted this challenge. The Sinai Urban Health Institute is the largest private provider of charity care in the State of Illinois, and it has helped raise awareness and care for breast cancer. Sinai recently completed a comprehensive epidemiological analysis of breast cancer mortality for African American and Caucasian women in Chicago. Strikingly, the study found that black women in Chicago had a 68 percent higher mortality rate of breast cancer than Caucasian women. Further, the study demonstrated that Caucasian women in Chicago had benefited from the incredible advancements in treatment over the past 2 decades, but that these treatment successes had no impact on the mortality rate for African American women. This report prompted the local health community to discuss solutions to the growing disparities. The experts involved centered their recommendations on three things: improve access to mammograms, the quality of mammograms, and the quality of breast cancer treatment. To do its part, Sinai developed a program to increase the access of low-income women to mammograms. I am impressed that Sinai's efforts resulted in an amazing increase in the number of mammograms conducted at Sinai. Specifically, the number of mammograms increased 60 percent from 2004 to 2007.

I also am pleased that this session I helped pass legislation to extend the authorization of the semipostal Breast Cancer Awareness stamp till 2011. Through the sale of this stamp, we are able to raise awareness of this disease and directly raise money for needed research. Sale of the Breast Cancer Semi-Postal stamp, first issued in 1998, has raised more than $54 million for breast cancer research.

As policymakers, we must continue to work together to raise money, promote awareness, and advance treatment for a cancer that is devastating our communities.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 7110:

Requesting Member: SHELLEY MOORE CAPITO.

Account: RTDE Army.

Title: MATRIC-Project National Shield Integration Center.

Recipient: Keith A. Pauley, 3200 Kanawha Turnpike, Building 740, Suite 4300, South Charleston, WV 25314.

Summary: To establish a nationally integrated system-of-systems framework that can effectively protect the nation against terrorist attacks, etc.

Account: RTDE Defense Wide.

Title: Tactical Biometrics Operating and Surveillance System (TBOSS).

Recipient: STS International, 204 Sand Mine Road, PO Box 10, Berkeley Springs, WV 25411.

Summary: To provide tactical forces at the infantry squad level the capability to enroll/identify persons of interest when and where encountered and to communicate data up to battalion level to provide real-time threat mitigation.

Account: RTDE Air Force.

Title: Expert Organization Development System (EXODUS).

Recipient: Triune Software, Inc., 4027 Col. Glenn Hwy—STE 330, Beavercreek, OH 45431.

Summary: To provide numerous benefits to the Air Force Material Command (AFMC) as well as other AF organizations.

Account: Operations and Management Army.

Title: Records Management Pilot Program.

Recipient: National Veterans Technology Consortium, 3786 Oakwood Avenue, Austintown, Ohio 44515.

Summary: To develop a proof-of-concept program to digitize, tag, and database Army records and operational material for the Nat'l Veterans Technology Consortium (NVTC).

GULFSTREAM CELEBRATES 50TH ANNIVERSARY

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. BARROW. Madam Speaker, I rise today to celebrate a milestone in the aviation industry and in Savannah, Georgia: the 50th anniversary of flight for Gulfstream Aerospace Corporation, a world-class company that has become the leader in business aviation.

Fifty years ago, Grumman Aerospace was based in Bethpage, New York. That year, Grumman test pilots Carl Alber and Fred Rowley took the first aircraft specifically designed for business travel—the Gulfstream I twin-engine turboprop—on its maiden flight.

Since that first flight, Grumman Aerospace has become Gulfstream Aerospace, a company with a strong Savannah presence. Over the past 50 years—40 of those years in Savannah—Gulfstream has manufactured more than 1,800 aircraft. Thirty-four governments operate Gulfstream jets, and 22 countries use Gulfstream aircraft to transport their heads-of-state.

Today, Gulfstream employs more than 6,000 people in Savannah alone, making it the city's largest manufacturing employer. And Gulfstream is committed to Savannah's future. Their long-range facilities master plan calls for an investment of more than $400 million over seven years. Gulfstream announced their plan in March of 2006 and is already well on its way to completing it.

On August 22 of this year, Gulfstream dedicated the second phase of its Research and Development Center, which is part of that master plan. I had the honor of attending that event, and I look forward to attending more like it in the years to come.

I congratulate the employees of Gulfstream Aerospace Corporation, and its parent company General Dynamics, on the 50th anniversary of Gulfstream flight. And I commend them for their commitment to the aviation industry and to their community. Congratulations on a job well done!

HONORING INDIANA STATE SENATOR MARVIN RIEGSECKER

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of distinguished Indiana State Senator Marvin Riegsecker. Senator Riegsecker, age 71, succumbed to his long battle with cancer on Tuesday, September 30, 2008.

Senator Riegsecker's career in the Indiana State Senate began in 1988, and he became renowned and respected for his bipartisan approach to pressing issues in our great State of Indiana. He championed the causes of those who suffer, such as providing services to those with mental retardation and developmental disabilities and protecting seniors and other consumers from counterfeit prescription drugs. These efforts justly brought him national recognition from legislative and public health associations. He also played an integral role in the promotion of higher education, helping to include a $16 million allocation in the biennial state budget for a new Ivy Tech Community College campus in Elkhart. Senator Riegsecker chaired the Senate Committee on Commerce, Public Policy and Interstate Cooperation and was ranking member of the Senate Committee on Energy and Environmental Affairs. He also served as a member of the Senate Committee on Health and Provider Services.

Senator Riegsecker's illustrious service was commemorated by many awards including the Elkhart Chamber of Commerce's Lifetime Achievement Award, the Indiana Optometric Association's Outstanding Service in the Public Interest Award, and the Henry Cade Memorial Award.

Prior to his career in the state legislature, Senator Riegsecker earned his Bachelor of Science degree from the University of Colorado's School of Pharmacy and became a pillar in the pharmaceutical profession. He began his public service career in Indiana as Elkhart County Coroner from 1977 to 1984 and was elected County Commissioner from 1985 to 1988.

Senator Riegsecker's legacy as a public servant will be defined by his passionate advocacy and his legislative integrity. He will be dearly missed by his family, his constituents, and by Hoosiers across the State. It is with great pride and honor that I rise today to honor a great man, Indiana State Senator Marvin Riegsecker.

HONORING ASHER D. ALLMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Asher D. Allman of Kansas City, Missouri. Asher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1447, and earning the most prestigious award of Eagle Scout.

Asher has been very active with his troop, participating in many Scout activities. Over the many years Asher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Asher D. Allman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CONGRESSMAN TERRY EVERTT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. REYES. Madam Speaker, I rise today to honor our colleague Congressman TERRY EVERETT who is retiring from the House of Representatives after serving the people of the second district of Alabama for 16 years.

I have had the honor of serving with Congressman EVERETT on House Permanent Select Committee on Intelligence and the House Armed Services Committee. We served together under both Republican and Democratic majorities, but no matter which party led the House of Representatives, TERRY's commitment to his constituents and to protecting our Nation was unwavering.

I first had the opportunity to work closely with Representative EVERETT when I served as ranking member of the Strategic Forces Subcommittee of the Armed Services Committee. As chairman of the Strategic Forces Subcommittee, he led efforts to examine our Nation's policies on missile defense and military space. The subcommittee also conducted extensive oversight of issues nuclear weapons, and we worked with the Department of Energy to make needed improvements in security for some of our Nation's most sensitive nuclear materials and information.

During our tenure as chairman and ranking member of the Strategic Forces Subcommittee, Congressman EVERETT and I visited military facilities and laboratories throughout the country so that we could hear firsthand from subject matter experts the challenges facing our national security infrastructure. In addition to providing us with needed insight into critical issues, those trips and the time we spent together in Washington, gave me a window into TERRY's warm nature, his subtle sense of humor, and his unending devotion to his beloved home State of Alabama.

On the subject of devotion without limits, Terry's beloved wife Barbara has been his rock through his time in service here in Congress. Her love and support has been vital to his service, and I am sure that she will be glad to have him back in Alabama full-time.

Madam/Speaker, I rise today to honor my good friend and colleague Congressman TERRY EVERETT. As he leaves Congress, he is leaving our Nation and our world a safer place for future generations.

A WELL-DESERVED TRIBUTE TO THE REVEREND HOWARD M. HAYWOOD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. FRANK of Massachusetts. Madam Speaker, on November 23rd, the congregation of the Myrtle Baptist Church, joined by many of the citizens of Newton, and indeed of the greater Boston area, will pay a bittersweet tribute to the Reverend Howard Haywood, commemorating the exemplary service he has provided to that congregation—and to the community at large—for more than two decades.

Reverend Haywood took over as pastor of the Myrtle Baptist Church in 1985. His formal role ended in July of this year, and the many people that he served, comforted and inspired are gathering to honor him. At a time when questions of the appropriateness of the size of compensation have been an important topic in this House, I think it worthy of noting that Reverend Haywood took no compensation at all for the extraordinary work that he has done.

Under his leadership, the Myrtle Baptist Church has become a source of help for people from all generations and walks of life. In the terrible aftermath of Katrina, when the Federal Government failed so many people, under the Reverend Haywood's leadership the Myrtle Baptist Church did an extraordinary amount to provide the assistance that people needed. From this relatively small congregation, two truck loads of food, clothing and gifts were dispatched and noncongregate students from the surrounding colleges were so inspired by this that they joined the effort.

While Howard Haywood's works are truly impressive, the greatest gift he has given all of us is the example of a man of considerable talent dedicating that talent to bettering the lives of others and providing a wonderful example of religion and religious service at its best.

Madam Speaker, I am glad to hold out to the Nation the example of Howard Haywood, and I look forward to participating in the event in which I and many others will tell him how much we appreciate his work.

SPEAKER PELOSI RECEIVES THE KNIGHT'S CROSS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to share with our colleagues the remarks made by the Italian Ambassador, the Honorable Giovanni Castellaneta, as he awarded you with the Knight's Cross. The Knight's Cross is the supreme decoration of the Order of Merit o the Republic of Italy and, as the highest ranking Italian-American in our Nation's history, it is an honor which you richly deserve. I urge all of our colleagues to join me in congratulating you on the receipt of this high tribute from such an important ally and in thanking the Ambassador for recognizing the historic role you have played in the American story.

AMBASSADOR GIOVANNI CASTELLANETA'S REMARKS VILLA FIRENZE, SEPTEMBER 16, 2008

''..il vivere libero (...) propone onori e premii mediante alcune oneste e determinate ragioni, e fuora di quelle non premia né onora alcuno''. Those are the words of the great Italian thinker, Nicolò Machiavelli. Translation: ''living free (...) offers honors and rewards for certain honest and specific reasons, and outside of these, honors and rewards none.'' For Machiavelli rewarding merit, and not noble birth or riches—is the basis for ''living free.'' It is the very foundation of democracy, where the merits of individuals are affirmed unhindered and contributes to the progress of the Nation.

There are no doubts of the merits of the Honorable Speaker of the House, Nancy Pelosi, garnered over the years of her public and political engagement. Years in which she emerged in the United States as a prominent political figure and a foremost representative of Italianicity.

The roots of her political inclinations are clear. Speaker Pelosi was born to a family with a long history in political life. I recall seeing a picture of Nancy in the arms of her father, Thomas D'Alessandro, on the campaign trail that would lead him to the U.S. Congress representing the State of Maryland.

He handed down his passion for politics to his children: Thomas D'Alessandro III followed in his footsteps in Baltimore, serving also as Mayor from 1967 to 1971.

It was then to be Nancy's turn. With such a background, how could she not heed the call? Her father's bloodline and her Italian genes could lead nowhere else. This legacy was merged with the wholly Italian sentiment of building a fine family (her husband Paul, whom she met at Georgetown University, the five wonderful children, Nancy Corinne, Christine, Jacqueline, Paul and Alexandra) always supporting her decision to go into public service and embark on a career that would prove stellar. Let me mention two moments in that process:

(1) Her designation in the Fall of 2002 as House Minority Leader for the Democrats, the first woman in U.S. history to hold this post.

(2) Her current position as Speaker of the U.S. House of Representatives which, according to many, makes her the most powerful woman in the United States and perhaps in the world.

I think the history of the D'Alessandro-Pelosi family is especially meaningful, mainly because it exemplifies and underlines the great contribution that Italians in America have made to the political edifice of this great country.

It is a contribution that is part of the Italian gene: political beings ''par excellence'' from the birth of politics. The Romans took their lessons from the Greeks, transformed it into an art form, and passed it on genetically to the Italians of later generations. In the beginning I cited Machiavelli: Is it any wonder that the founder of modern political science was an Italian?

Once in America, Italians adapted their calling and penchant for politics to this country, one they helped build in the thousand assemblies and congresses of the towns, cities, and states of this great Nation. A vocation that generations of Italian-Americans have knowingly and naturally expressed also in Washington, in Congress, wherever politics is spelled with a capital P.

The Pelosi family is one example of how millions of Italian Americans have given their talent and their calling to help build its democratic conscience.

Mark Twain used to say that ''history never repeats itself but it does rhyme a lot.'' And history will certainly continue the rhyme with the D'Alessandro-Pelosi family. Nancy's father, Thomas, also received the distinction that I will be bestowing upon her this evening. For two members of the same family to be awarded the highest decoration of the Republic of Italy is rare indeed.

And the similarities do not stop there. The D'Alessandro lived on Albemarle Street in Baltimore. Tonight we find ourselves on Albemarle Street in Washington, so in a way we are reconnecting to Nancy Pelosi's childhood.

I would lastly remind of the profound meaning that the bestowal of this honor holds for my country. It is an expression of appreciation that Italy extends, tonight in the person of Speaker Nancy Pelosi, to all the Italian-Americans that continue to feel a strong bond with their country of origin and whose personal and professional lives are animated by the ''Italian spirit'' that sets us apart.

Now wherefore, on behalf of the President of the Republic and of all the people of Italy, I hereby induct Nancy Patricia D'Alessandro Pelosi into the Order of Merit of the Republic of Italy (OMRI) with the degree of ''Knight of the Grand Cross'' that recognizes merits to the Nation in the sciences, letters, economics and public service and in activities with social, philanthropic and humanitarian purposes, as well as far-reaching and distinguished contributions while in public and military service.

HONORING JOE HARATANI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to thank Joe Haratani for his humanitarian efforts and his service to this country. Mr. Haratani was acknowledged Wednesday, October 1, 2008 in his home town of Sonora, CA.

Joe Haratani was born in Florin, a rural farming community in northern California, to Japanese parents in October 1923. He was one of seven children and his father was a Methodist minister. In the fall of 1941 Mr. Haratani enrolled at Modesto Junior College. While attending school he worked as a house boy for a Caucasian family. Shortly after the attack on Pearl Harbor, he was let go from his job. Within weeks, the U.S. Government restricted the movement of all Japanese and Japanese descendants, forbidding them to travel more than 5 miles away from home. On February 19, 1942, when President Franklin D. Roosevelt authorized Executive Order 9066, Mr. Haratani, along with approximately 110,000 other people with Japanese ancestry on the West Coast, was forced into 1 of 10 internment camps across the country.

Mr. Haratani and his family were taken to the Merced Fairgrounds, known then as the Merced Assembly Center. The shelter consisted of a tar paper shack until September when they were moved by train to the Amache Relocation Center in southeast Colorado. The camp in Colorado was surrounded by barbed wire and armed guards. The internees were largely left alone to live their lives and fend for themselves. Many of the people had farming backgrounds, so they began to plant vegetables and trees for food and shade. Mr. Haratani found a job as dishwasher where he earned about $12 dollars per month.

In early 1943, the U.S. Government offered draft eligible men the opportunity to enlist into the military and a way out of the camps. Mr. Haratani accepted this offer by pledging his loyalty to the U.S. Government and renounced loyalty to the Japanese emperor. After training, Mr. Haratani was assigned to the 442nd Regimental Combat Team and fought in the European theater. He was placed in a unit that consisted solely of Japanese-American soldiers fighting under Caucasian officers. This unit became the most decorated unit for its size in the history of the U.S. Army. The 442nd fought along the Italian border then moved into France. In France, they helped to liberate the town of Bruyeres. Mr. Haratani escaped the war uninjured; he returned to Livingston, CA and resumed attending classes at Modesto Junior College.

In 1946, Mr. Haratani met Amy and in October 1948, they were married. Shortly after their wedding, he was accepted into Stanford University and attended with full funding from the G.I. Bill. He graduated with a degree in civil engineering and earned a master's degree for the University of California at Berkeley in sanitary engineering. After school, Mr. Haratani accepted a position with the California Department of Water Resources. Just 3 years later he was approached by the U.S. Agency for International Development to assist with humanitarian services abroad. Mr. Haratani, his wife, and their 1-year-old son packed up and headed for Bolivia to work on improving local water sanitation. He worked in Bolivia (where their second son was born), in Nicaragua for 2 years and Vietnam. He was transferred to Vietnam in mid-1961.

Upon arriving in Vietnam there were about 55 Army advisors there, according to Mr. Haratani. Soon after he arrived, so did the troops; President John F. Kennedy made the decision to send 15,000 troops into Vietnam. Mr. Haratani maintained his position in Vietnam and avoided ground fire by flying to the rural provinces that he was assisting. His third son was born in Saigon. In 1963, Mr. Haratani was called back to the United States but soon joined the Peace Corps and was off again; this time he went alone. In the Peace Corps he joined the staff covering the western coast of South America. He was soon promoted to the director of the Ecuador operation. Two years after he joined the Peace Corps, they began allowing families with children to serve as volunteers. He resigned as country director and signed up his entire family for service.

The Haratani family was assigned to the Galapagos Islands. He assisted in building a new water system and in expanding the area's electrical capability. Mrs. Haratani taught English at a grammar school, worked as a librarian at Darwin Research Station, and assisted in family planning. After 2 years, the family's assignment was complete. They returned to the U.S. and moved into a family hunting cabin in Columbia, CA. Mrs. Haratani began to work at Columbia College, and Mr. Haratani worked for the U.S. Forest Service from 1973 to 1978. In 1978, he was called back to USAID. He spent 4 years in the Middle East evaluating sanitary engineering projects. In 1983 Mr. Haratani retired, although he did remain a consultant for over 10 years. As a consultant he traveled to Yemen, Egypt, Chad, Mexico, Papua New Guinea, the Gaza Strip, Ethiopia, and Central America. Today, Mr. and Mrs. Haratani live in Sonora, CA. Their three sons and two grandchildren live throughout California. Mr. Haratani is living a peaceful and relaxing life for the first time ever.

Madam Speaker, I rise today to acknowledge and thank Joe Haratani for his commitment to this Nation. I invite my colleagues to join me in wishing Mr. Haratani many more happy years of retirement.

HONORING GAIGE HARRY POPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Gaige Harry Pope of Blue Springs, Missouri. Gaige is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1603, and earning the most prestigious award of Eagle Scout.

Gaige has been very active with his troop, participating in many Scout activities. Over the many years Gaige has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Gaige Harry Pope for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ACHIEVEMENTS OF RABBI SOLOMON SCHIFF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor one of south Florida's most distinguished residents, Rabbi Solomon Schiff. For more than 40 years, Rabbi Schiff has dedicated his efforts to increasing and strengthening interfaith cooperation in south Florida.

Due to his service and his undying commitment to our community, he will be awarded the Papal Medal Benemerenti by Pope Benedict XVI. This prestigious award was instituted by Pope Gregory XVI in 1832. The medal is awarded to recognize those individuals who have helped foster outstanding interfaith collaboration with the Catholic church.

Rabbi Schiff served as executive vice president of the Rabbinical Association of Greater Miami for 42 years before retiring in 2006. He has also worked as staff chaplain for patients of all faiths at Mount Sinai Medical Center in Miami Beach. His devotion to his work led him to serve as Chairman of the Dade County Community Relations Board and as President of the National Association of Jewish Chaplains.

Rabbi Schiff's guidance and expertise on interfaith cooperation earned him appearances on CBS's "60 Minutes" and NBC's "Nightline" news magazine shows. His love for people of all faiths and his conviction that common ground can be found among all is an example for us all. I am blessed to have him represent my district, but even more grateful to call him a friend.

HONORING THE SERVICE AND RETIREMENT OF JIM WILSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the service of a valued staff member—Dr. James Wilson—who will retire at the end of this year from the staff of the Committee on Science and Technology. As the staff director of the Subcommittee on Research and Science Education, Jim's expertise and wisdom on issues of science and research policy and the federal role in science and math education are unmatched.

Jim has served on the professional staff of the Committee since 1987. In his 21 years of service on the committee he has ably supported the oversight and authorization of the National Science Foundation; the U.S. Fire Administration; the National Earthquake Hazards Reduction Program; and K–12, undergraduate, and graduate science, mathematics, engineering, and technology education programs under the committee's jurisdiction. He has also played key roles in the committee's work on nanotechnology, high performance computing and communications, and information systems security. Moreover, Jim played a very important role in the formulation of the America COMPETES Act—an initiative enacted into law last year that will go a long way towards fostering increased investment in innovation and improve the competitiveness of the U.S. Jim's contributions were instrumental in making it a good and effective piece of legislation.

Before coming to the Hill, Jim, who has a Ph.D. in aerospace engineering from West Virginia University, managed research programs in fluid dynamics at the Air Force Office of Scientific Research in Washington, DC, and served as an officer in the U.S. Air Force at the Flight Dynamics Laboratory at Wright-Patterson AFB, OH.

Madam Speaker, Jim's dry wit, thoughtful approach to policy, institutional knowledge, and general unflappability have made him a valued member of the committee staff. I know that all of the Science and Technology Committee's Members and staff wish him and his wife Sandra well as he moves on to a well-deserved retirement. With his love of tennis, travel, driving his Porsche, and enjoyment of the area's cultural offerings, I know that he will not be bored once he leaves the Hill. In closing, I just want to say thank you, Jim, for your many years of dedicated and loyal service. We will miss you.

CONGRATULATING EASTERN SENIOR HIGH SCHOOL'S CLASSES OF 1957, 1958 AND 1959 ON THE OCCASION OF THEIR 50TH YEAR CLASS REUNION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Ms. NORTON. Madam Speaker, I rise today in honor of the Eastern High School graduating classes of 1957, 1958, and 1959. These alumni will be remembered in the history of our country as the first African Americans to attend classes that were no longer segregated in the District of Columbia after the Supreme Court decision in Brown v. Board of Education. The courage and determination shown by these pioneers when they were teenagers were harbingers of the success, professional achievement, and exemplary lives that have characterized the classes of 1957, 1958, and 1959.

I ask the House to join me in honoring the 50th anniversary classes of 1957, 1958, and 1959 at Eastern High School in the Nation's capital.

TRIBUTE TO THE UNITED STATES COAST GUARD AS THE HONORED SERVICE AT MILITARY APPRECIATION DAY AT EAST CAROLINA UNIVERSITY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. BUTTERFIELD. Madam Speaker, I rise today before you to pay tribute to the United States Coast Guard, who will be the honored service on October 18th, 2008, during Military Appreciation Day at East Carolina University's home football game against Memphis. East Carolina University, which is in my district, has long demonstrated an appreciation for the Armed Services and the incredible sacrifices their members make on a daily basis.

The United States Coast Guard operates several commands in Elizabeth City, North Carolina, which I have the privilege of representing. Among these commands is the National Strike Force Coordination Center (NSFCC), which is responsible for responding to chemical, biological, and radiological events, National Security Events, and Weapons of Mass Destruction events. The NSFCC is the command component of three subordinate teams and oversees operations of the Atlantic Strike Team, Gulf Strike Team, and Pacific Strike Team.

Coast Guard Air Station Elizabeth City is an Air Search and Rescue, Law Enforcement, Port and Waterway Patrols, and Homeland Security component. Air Station Elizabeth City also supports the Coast Guard Atlantic Area, and International Ice Patrol. Support Center Elizabeth City is responsible for providing logistical support for the tenant commands located on the Coast Guard base in Elizabeth City.

Coast Guard Station Elizabeth City deals with surface response for Search and Rescue, Law Enforcement, Port and Waterways Patrols, and Homeland Security. The Aviation Repair and Supply Center (AR&SC) is responsible for maintaining the parts and supply inventory, technical data and conducting repairs for Coast Guard aviation assets. The Aviation Technical Training Center (ATTC) is responsible for training mechanical and electrical aviation engineers and airmen.

During the ECU game, Rear Admiral Ronald Hewitt, Commander of Maintenance and Logistics Command Atlantic Area, will serve as the senior Coast Guard representative. Petty Officer Joseph Ruggiero will assist with the coin toss. Petty Officer Ruggiero received the Bronze Star Medal and Purple Heart Medal for his selfless service in support of Operation Iraqi Freedom. A Coast Guard fly-over will precede the action on the field, and the Coast Guard will display several small boats, a dive locker, and information tables to represent various service missions.

Madam Speaker, it is with tremendous pride that I ask my colleagues to join me today in paying tribute to all of our armed services, but especially the United States Coast Guard for their continued support and vigilance in defense of our Nation.

HONORING JAY CEE PAGE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jay Cee Page of Kansas City, Missouri. Jay is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1740, and earning the most prestigious award of Eagle Scout.

Jay has been very active with his troop, participating in many Scout activities. Over the many years Jay has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jay Cee Page for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF JOHN CURRY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am grateful to submit the following thoughtful memorial that ran in the Island Packet in Hilton Head Island, SC, remembering the life and service of John Curry. John was a dear friend and a lifelong leader in his community.

[From the Island Packet, Sept. 28, 2008]

A LOOK AT THE LIFE OF ISLAND TOURISM CHAMPION JOHN CURRY

(By Janet Smith and David Lauderdale)

For 35 years, John Curry had a singular impact on the development of Hilton Head Island's tourism industry and the island's place in the world.

That impact came in a determined pursuit to keep Hilton Head viable, even through the toughest of economic times, and to maintain what drew millions of visitors and the island's nearly 40,000 permanent residents here in the first place.

Curry, 78, died Friday night at Hilton Head Hospital after suffering a brain aneurysm during lunch with his wife, Valerie, and friends at the Hilton Head Yacht Club.

Only the late Charles Fraser, who carved a new community out of the forests of Sea Pines and set the stage for future planned communities, did more to shape the island's modern development. But Curry, who came to Hilton Head to work for Fraser in 1973 as executive vice president of the old Sea Pines Co., dealt with the nuts and bolts of legislation, incorporation and operations that ultimately shaped Hilton Head as a resort destination and residential community. In the process, he shaped tourism statewide.

Along the way, he played a critical role in creating the Town of Hilton Head Island and establishing the island as a year-round resort community. He also helped negotiate and get through the legislature the state accommodations tax, which has provided millions of dollars in marketing money for the local tourism industry, as well as funding for arts and cultural groups here.

CENTER OF THE STORM

Curry's work was not without controversy. He often was caught up in the clash of competing tourism and residential interests and served as a lightning rod for those who thought the island was changing for the worse. As the tourism industry's most visible spokesman, he took the heat for the industry, accused of putting self-interest over community interests.

He played that same lightning rod role at the Hilton Head Island Airport, serving on the Beaufort County Aviation Advisory Board for many years.

Native islander Perry White said he and Curry agreed on little, if anything, in 35 years of tangling on issues from incorporation of the island to expansion of the airport.

But White said their disagreements were never personal. They even swapped stories about lessons learned from their grandfathers.

''I had tremendous respect for John, and I think he had respect for me,'' White said. ''John's contributions were tremendous. I'll miss John. He was one of the mediating forces on the Airport Advisory Board, and with all the firebrands coming on now, I'm beginning to appreciate that more.''

The last time the two saw each other was at a recent Beaufort County Council committee meeting. Curry handed White a copy of a proposed charter change to the airport advisory board.

BACK FROM THE BRINK

One of Curry's toughest business challenges came in November 1986, when he was tapped to run Hilton Head's largest employer as it plunged into bankruptcy.

Curry was named trustee for Hilton Head Holdings Corp., a company that had been cobbled together from the assets of two longtime island companies—the Sea Pines Co. and the Hilton Head Co.—less than two years before. The company owned property and business operations in Sea Pines, Shipyard, Wexford, Port Royal and Indigo Run. Its collapse directly affected a third of the island, but the entire community reeled from the blow.

The company was in debt to the tune of $100 million, 90 percent of that in real estate mortgages. But more than 2,000 creditors, many of them local businesses, were owed $10 million.

The bankruptcy threatened not only individual livelihoods, but the reputation of Hilton Head as a first-class resort and the future of the island's premier sporting event, the Heritage Classic professional golf tournament. National media swarmed to Hilton Head to cover the story of a premier resort falling into disrepute.

The island company had been wrested from developer Bobby Ginn earlier in 1986 and put in the hands of a New York businessman, Philip Schwab. But Schwab's financial empire collapsed, along with the savings and loan industry, pulling down the Hilton Head properties.

Schwab was supposed to prop up the failing island company. Instead, he started pulling money out of Hilton Head. Schwab said that his net worth at the time he took control of the company was $50 million to $60 million; he estimated in 1987 that he owed $500 million.

When asked in October 1987 what he had told people he would do to save the company, Schwab replied, ''Nobody ever asked me.''

U.S. District Judge Sol Blatt Jr., who appointed Curry as trustee, and former S.C. Gov. John West succeeded in getting the South Carolina properties separated from the rest of Schwab's holdings. Blatt took the rare step of holding on to the bankruptcy case rather than turn it over to a U.S. Bankruptcy Court judge. Blatt for many years owned a house in Palmetto Dunes and was a longtime friend of West.

Blatt, West and Curry had no bankruptcy experience. (At one of the first hearings in the case, Blatt described himself and West as ''the blind leading the blind.'') Curry's resort operations experience brought him to the table.

The challenge was to balance what they thought was right for Hilton Head with the pressures to sell the company's assets for the most money possible to pay off creditors. Those competing interests made for fiery court hearings, and it eventually resulted in Blatt's removal from the case by the Fourth Circuit Court of Appeals. The court said Blatt's Hilton Head ties had created at least the appearance of a conflict of interest.

Blatt's activism was extremely unusual, but the fear of lasting repercussions for Hilton Head was palpable. In January 1987, Blatt said, ''I'm not going to supervise the demise of Hilton Head Island when I can stop it.''

Throughout 1987, Curry and his team struggled to keep resort and real estate operations going while figuring out how to keep the gated communities caught in the bankruptcy as intact as possible.

KEEPING THE HERITAGE

Saving the Heritage also was a primary goal. The PGA Tour was unhappy with the condition of Harbour Town Golf Links, where the Heritage was played. The course had been neglected as the Sea Pines Co.'s fortunes sank. Making matters worse was that the purse check for another Tour event held at Harbour Town in the fall of 1986 had bounced.

Curry flew to Jacksonville, Fla., to meet with the PGA Tour commissioner. When told the only way to keep the Heritage was to sell Harbour Town Golf Links to the Tour, Curry got up and walked out. It worked.

The tournament stayed, and Curry then leaned on Angus Cotton, who had moved to the island in 1981 as general manager of the Marriott resort hotel in Shipyard, to produce a $1 million letter of credit from local businesses to guarantee the purse for the 1987 tournament. To do it, they formed the nonprofit Heritage Classic Foundation to stage the tournament. To date, that group's charitable giving from tournament proceeds has topped $16 million.

In the end, the bankrupt company's Sea Pines assets went to residents of that community who put together their own company, Sea Pines Associates. Most of the other properties went back to mortgage holder Marathon Oil Co. Indigo Run ended up in the hands of the Federal Resolution Trust Corp. and was sold to the Melrose Co. in 1991.

After getting baptized in the arcane world of bankruptcy law, Curry continued to work as a trustee in many other cases.

'HEADS IN BEDS'

But Curry's most enduring legacy will be his work in tourism.

''Before John, we had tourism but it was almost always linked to selling real estate,'' Cotton said. ''He was interested in putting heads in beds and pushing tourism in the off-peak months.''

Curry and Cotton took countless trips to cold cities, pitching the island and offering tourism leaders there free stays back on Hilton Head.

Friends say that no matter where Curry went around the world, he always seemed to know people.

Cotton and others worked with Curry to shape the state Accommodations Tax Act in 1984. With assurances that part of the 2 percent tax on overnight lodging would go to local tourism marketing and to local organizations to promote tourism, Curry helped sell it to skeptical industry leaders statewide.

Curry, who led the island's Visitor and Convention Bureau for 17 years, also pushed legislation to relax state liquor laws and allow Sunday sales.

''He was very pragmatic,'' Cotton said, ''very pragmatic. In the arts and education and a lot of other ways people didn't see, he was behind the scenes trying to smooth the way and work things out.''

FLYING HIGH

To understand Curry's involvement with the airport, one first must understand his passion for flying, said David Ames, chairman of county Aviation Advisory Board and a close friend of Curry's. They shared office space for 20 years.

''I think he was happiest in the air,'' Ames said. ''He just loved the adventure and the freedom flying gave him.''

As a tourism leader, Curry also understood how important the airport is to the economy and the island experience, Ames said.

''John believed the airport provided an essential support for the standard of life on the island,'' he said. ''The convenience of the island airport is tremendously important, and John knew that. And coming from the service business, he knew it was important how a passenger feels about Hilton Head when getting off that airplane. He was always looking for ways to make the airport better, and he spent whatever time it took.''

Bill Miles, president and CEO of the Hilton Head Island-Bluffton Chamber of Commerce, said, ''The Hilton Head Island we know today is in part due to the tireless efforts of John, with his wonderful obsession to get it right and make this the unique destination it has become. He created a lasting legacy for us all, with courage, true grit, determination and with a real grace and style that was all his own.''

In memory of John Curry.

A memorial service for John Curry, 78, is at 2 p.m. Monday at First Presbyterian Church, 540 William Hilton Parkway.

Surviving are his wife of 36 years, Valerie; three sons, David (Rozana) Curry of Burbank, Calif., Edward (Kelly) Curry of Toluca Lake, Calif., and Donn Curry of Portland, Ore.; two grandchildren, Matthew and Adam Curry; a brother, David Curry of Berkeley, Calif.; and a former daughter-in-law, Lynn Curry. He was preceded in death by his twin sister, Jeanette; and his first wife, Martha Weathersbee Curry.

100-YEAR ANNIVERSARY OF METHODIST HOSPITAL, INDIANAPOLIS, INDIANA

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. CARSON of Indiana. Madam Speaker, today I rise to honor the 100-year anniversary of the Methodist Hospital in Indianapolis, Indiana. I am fortunate to have such a hospital facility in my district. Over 100 years ago, on October 25, 1905, the cornerstone for Methodist Hospital was laid. Three years later, in 1908, the hospital was open to the public. Patient fees started at $7 a week and the hospital adopted a policy to care for the impoverished at no charge. Many things have changed since then. The hospital has grown in size and provides new services to fit the ever-growing needs of the city. But many things have stayed the same. The hospital's commitment to serve the disadvantaged and provide state-of-the-art, innovative medical care is as important a part of Methodist's mission today as it was 100 years ago.

Methodist Hospital has always been on the forefront of health care. During the baby boom of the 1940s, it established the first premature birth station in the state. Methodist was the first Indiana hospital to perform open-heart surgery, in 1965. Seven years later, in 1972, its doctors performed the state's first kidney transplant. In 1982 the world's first successful heart transplant at a private hospital was performed at Methodist, followed 7 years later by the performance of the state's first heart lung transplant.

Today, Methodist is one of only two adult regional Level 1 Trauma centers in Indiana. It houses an 899-bed facility and is one of the largest teaching hospitals in the Midwest. It runs the Indiana Poison Center in addition to staffing the LifeLine helicopter ambulances. Additionally, Methodist is also the official health care provider for the Indianapolis Motor Speedway.

Madam Speaker, I would like to congratulate all the doctors, nurses and health care professionals for being part of such an exceptional health care organization and thank them for their dedication to the health and well-being of the people of Indiana.

HONORING JEREMY JAMES FAJEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeremy James Fajen of Blue Springs, Missouri. Jeremy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1763, and earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many Scout activities. Over the

many years Jeremy has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeremy James Fajen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WORLD PSORIASIS DAY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. PLATTS. Madam Speaker, I rise to recognize October 29, 2008, as World Psoriasis Day.

Madam Speaker, over 125 million individuals across the globe have been diagnosed with psoriasis or psoriatic arthritis. Psoriasis is a lifelong skin disorder that causes thick, red lesions to appear on the skin. These lesions are often painful and itchy for the diagnosed individual.

Unfortunately, there is currently no cure for psoriasis. A number of treatments have been developed and are often effective in controlling the disease. However, continual therapy is usually essential.

I became aware of World Psoriasis Day through a constituent of mine, Nicholas Stem, who was diagnosed with psoriasis when he was just 7 years old. Fortunately, Nicholas has been able to control his psoriasis by taking a biologic drug in the form of an injection every week.

I am honored to represent the Stem family, who have made advocacy on behalf of Nicholas and the millions of other individuals affected by psoriasis a family mission. At 9 years of age, Nicholas has already given educational presentations in front of his classmates, Cub Scout pack, and Members of Congress and their staffs. I commend the Stem family for their efforts.

World Psoriasis Day aims to bring global awareness to the disease and increase the understanding of psoriasis within the general public. A long-standing myth is that psoriasis is contagious. This myth is perhaps one of the most damaging psychologically to individuals with psoriasis and is simply untrue.

It is my hope that someday a cure for psoriasis will be discovered. Until that time, Madam Speaker, it is important for efforts such as World Psoriasis Day to bring awareness around the globe regarding the prevalence of the disease and the need for effective treatments.

RECOGNIZING CAPTAIN CHARLES L. STUPPARD WITH THE U.S. DEPARTMENT OF THE NAVY FOR HIS SERVICE AS COMMANDER OF TASK GROUP 56.6 IN KUWAIT, IRAQ, AND AFGHANISTAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize Captain Charles L. Stuppard with the United States Navy for his service and dedication as Commander of Task Group 56.6 in Kuwait, Iraq, and Afghanistan. As the Navy Individual Augmentee Support Group, Task Group 56.6 serves to in-process, oversee, train, out-process and care for members of the Navy assigned as Individual Augmentees to duties in the Global War on Terrorism. Rather than being a member of a particular military structure, such as a brigade or battalion, an ''Individual Augmentee'' (or IA) is a Sailor who fills a position for which there is a shortage or high demand. After a year serving as the Commander of TG 56.6, On Thursday, June 5, 2008, a Change of Command Ceremony took place at the CDR Phillip Murphy-Sweet Warrior Transition Program Facility, Camp Arifjan, Kuwait to recognize Captain Stuppard's leadership.

When I think of Captain Stuppard, I am reminded of the words of Martin Luther King, Jr., and Rosalynn Carter. Reverend Doctor King reflected, ''The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy.'' Mrs. Carter once said, ''A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go, but ought to be.'' As the Commander of the Navy's IA Support Group, Captain Stuppard demonstrated the spirit of these quotes. During a time of great conflict and challenge, he was responsible for ensuring that thousands of Sailors were supported and cared for while performing a variety of specialized positions to meet theater requirements in Kuwait, Iraq and Afghanistan. To accomplish this, Captain Stuppard enhanced the check-in and training process of incoming personnel to theater, improved the support structures, provided oversight during the deployment, and strengthened supports for returning service members. Central to these successes were his commitment and ability to coordinate and streamline operational relationships within IA and non-IA stakeholders to provide the services needed by all to our IA sailors in the Global War on Terrorism. His coordinated efforts improved administrative efficiencies, which reduced the immediate risk and burden on deployed Expeditionary forces. Captain Stuppard was lauded for his ''Sailor first'' philosophy—developing programs, ensuring key supports for military personnel, and establishing benchmarks for continuous support for future operations. These activities demand adept leadership and an acute sense of mission goals to address the rapidly changing needs of deployed Sailors.

Truly, these accomplishments are impressive and worthy of the recognition of the United States House of Representatives. I wish Captain Stuppard well in his new role as the Executive Assistant to the Commander of Navy Installations Command at the Washington Navy Yard. I am certain that in this position he will continue to serve his country with honor, lead with wisdom, and display courage that few demonstrate but many admire.

IN RECOGNITION OF MR. WOODFIN K. GROVE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day in the life of a constituent of mine, Mr. Woodfin K. Grove.

On October 23rd, Mr. Grove will celebrate his 90th birthday. To help commemorate this special occasion, his friends and church family are surprising him with a dinner at The Bridge at First United Methodist Church in Anniston, Alabama on October 22nd.

Woodfin K. Grove was born in Birmingham, Alabama, and was an only child. He graduated from Ensley High School and Birmingham Southern, both located in Birmingham. He received his degree in Theology from Emory University in Atlanta, Georgia. Mr. Grove married Dorothy Rowland with whom he had one daughter, Ann, and one grandson, John.

Today Mr. Grove is loved by everyone. He is known for his good advice to those around him and serves as a wise leader in his church. He and his wife, Dot, both are young at heart and have been known to ride around Anniston on his motorcycle or in his sports car. They attend First United Methodist Church in Anniston where he became Pastor Emeritus in 2001.

I would like to congratulate Mr. Grove on reaching this important milestone in his life. I wish him a happy birthday and the best in the future.

IN RECOGNITION OF AMERICAN DIABETES MONTH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Ms. DELAURO. Madam Speaker, as we approach November, American Diabetes Month®, I would like to take this opportunity to recognize the significant daily challenges faced by those struggling with chronic diseases such as diabetes. At a time when our Nation is facing urgent crises from the economy to foreign policy, some Americans may wonder why it is important to worry about diabetes. The fact is that diabetes has become one of the most urgent public health crises of the 21st century. More than 24 million children and adults in the U.S. are already bearing the daily consequences of living with diabetes, and the numbers continue to grow.

Diabetes comes in 2 main forms: Type 1 diabetes, or ''juvenile diabetes,'' often develops in children, adolescents, and young adults; and Type 2 diabetes, which typically develops after age 40, but is appearing with increasing, and alarming, frequency in children. Although the causes of type 1 diabetes are not entirely known, it is not caused by obesity or by eating excessive sugar. There is a crucial and continuing need for research on the causes, prevention, treatment and cure of Type I Diabetes. That is why I am so pleased to have supported the Medicare Improvements for Patients and Providers Act of 2008, which extended the Special Diabetes Program and the

Special Diabetes Program for Indians through September 30, 2011, and provided $300 million for type 1 diabetes research.

According to the Juvenile Diabetes Research Foundation, an estimated 15,000 children and adolescents are diagnosed with type 1 diabetes in the U.S. each year. These are children like 8-year-old Sophie Baum, a young constituent of mine who was diagnosed with diabetes as a baby and spent her first birthday in the Intensive Care Unit being treated for her illness. Sophie has benefited from research advances such as the insulin pump and continuous glucose sensor, but must contend with the complexities of life as a diabetic, in which every trip to the kitchen table or even a birthday party requires counting carbohydrates and calculating the right amount of insulin. I am pleased to submit her story, as told to the Juvenile Diabetes Research Foundation, in the record below.

We must also take steps to better prevent and manage Type 2 diabetes, which accounts for 90 to 95 percent of cases of diabetes. Unlike Type 1 diabetes, the risk for Type 2 diabetes is strongly associated with the epidemic of overweight and obesity that threatens to overwhelm our increasingly strained health care system. According to the Juvenile Diabetes Research Foundation, medical costs for diabetes in the U.S. amount to $174 billion per year, and nearly ⅓ of every Medicare dollar is spent on people with diabetes. The good news is that, in many cases, Type 2 diabetes can be prevented or delayed. The NIH-funded Diabetes Prevention Program showed that modest weight loss (5 to 7 percent of body weight) and 30 minutes of exercise 5 times per week can reduce the risk of diabetes by 58 percent.

Sophie's story and the overwhelming national statistics on diabetes speak for themselves. Therefore, let us commit to a comprehensive approach to addressing diabetes and other chronic diseases through prevention, education, treatment, and research that we hope one day will find a cure.

Hi, my name is Sophie Baum. When I was a baby—not even 12 months old—one of my baby teachers, who had diabetes, noticed I was drinking a lot, and stealing other kids' sippy cups. She thought I looked sick, so she told my mom to take me to the hospital that night.

We went to the hospital, where they did a lot of tests, and figured out I had diabetes. I spent my first birthday in the intensive care unit. The nurses were feeling sad that I was in the hospital, so they bought me a doll. I was given a glucometer so I could check my blood sugars.

I was on insulin shots for a long time, but I was given a bear, and it showed where you can put the shots in. I had to eat meals at the same time every day.

When I was 2, I got an insulin pump. It was much easier to have the pump instead of sharp shots going into my body, and I could eat any time I wanted. One day, when I was three, my parents heard a beep. They turned around and realized that I had taught myself to check my blood sugar, and I've been doing it myself since then.

When I was 6, I got a continuous glucose sensor, which tells you what my sugar is every 5 minutes and sends it to my pump by radio. After a while, the radio transmitter broke. We got a new one that was exactly the same. Then I got a new, smaller one that looks like a mushroom. In fact, it works a little better. So I actually wear 2 devices at all times. One gives me insulin, that's my insulin pump, and the other checks my blood sugar, that's my sensor. My parents call me the bionic girl.

I have pump packs that hold my insulin pump. I recently got a new one with dogs on it, and there's another one that comes with it that is for your doll. I got it because my doll likes to have diabetes, like me.

At school, I check my sensor a lot, and if it says I am going low, I have to check my blood sugar on my glucometer. If I get too low, I could have a seizure or pass out. If I get too high too often, I might have kidney, eye, or heart problems later on.

It's hard to have diabetes, because I can't have a lot of sweets at birthday parties, like cake and anything that does not have the carbohydrates marked on it like any homemade stuff or if somebody through out the wrapper. I will explain what I mean by that: every time I want to eat something, I have to figure out how many carbohydrates are in that food. And then I can calculate how much insulin to give myself. At home, my mom uses a scale to weigh out every single thing that I eat, then she knows how much insulin I will need. It's hard when we go to a restaurant to eat, because my mom and my dad have to guess how much insulin I will need. If I give myself too much insulin, my blood sugar will be too low in a few hours. If I don't give enough, then my sugar will be too high. So, my parents and I think about carbohydrates for every bite of food that I eat. Eating, for me, is very complicated!

Scientists have been working on a cure for diabetes, but for that they need money. In the past four years since 2003 my family team, Team Sophie, has raised over $90,000. This year my family and I raised $16,000 and we would like to raise more next year.

Thank you for listening to my story and for supporting JDRF!

HONORING JOSHUA WILLIAM EDWARDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua William Edwards of Kansas City, Missouri. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1740, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many Scout activities. Over the many years Joshua has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua William Edwards for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ETHAN JOSEPH WINSLOW MONAGHAN FOR HIS HEROISM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Ethan Joseph Winslow Monaghan, a hero, upon earning the Boy Scouts of America National Heroism Medal for Lifesaving.

Ethan Monaghan, of Plymouth, Michigan, a nine-year-old and first year Webelos Cub Scout saved his younger brother's life on August 23, 2007. Five-year-old Steven D. Monaghan II had flipped off an inflatable pool tube into five feet of water. Too short to touch the bottom and unable to swim, Steven started to scream for help before going under the water. Ethan heard the cries of help and bravely dove into the pool, wrapped his arms around Steven's waist, and pulled his head above the water. Ethan, also unable to touch the bottom of the pool, was able to swim his brother over to adults. Thankfully, Steven did not require mouth-to-mouth resuscitation or other medical attention because of Ethan's rapid response and instinct.

Although Ethan has never received any formal lifesaving training, the skills he learned as a Cub Scout helped to avert a tragedy. Subsequent to a thorough review of his actions by the Detroit Area Council of Boy Scouts, Ethan was presented the Boy Scouts of America National Heroism Medal for Lifesaving, which, on average, fewer than three hundred boys receive a year. To his brother, Steven, and parents Dr. and Mrs. Steven and Audrey Monaghan, Ethan will be a triumphant hero for years to come.

Madam Speaker, Ethan Joseph Winslow Monaghan should be recognized for his courage, determination, and selfless action. I ask my colleagues to join me in congratulating Ethan Monaghan for obtaining the Boy Scouts of America National Heroism Medal for Lifesaving and honoring Ethan's devotion to his community and our country.

CONGRATULATING DR. ROBERT D'ALESSANDRI, THE 2008 ''MAN OF THE YEAR'' FOR THE COLUMBUS DAY ASSOCIATION OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Robert D'Alessandri, president and dean of the Commonwealth Medical College in Scranton, Pennsylvania, who was named ''Man of the Year'' by the Columbus Day Association of Lackawanna County.

Dr. D'Alessandri was selected to be the first president and dean of the fledgling medical college where he serves as chief executive officer and chief academic officer. He comes to northeastern Pennsylvania following 18 years of experience in senior leadership positions at West Virginia University including 15 years as dean of the WVU School of Medicine.

Instrumental in expanding health professional programs at WVU and establishing programs in occupational medicine and public health, he was also involved in the development of the Strategic Research Plan at the WVU Health Sciences Center, a $54 million investment in biomedical research and economic development.

Dr. D'Alessandri faces the enormous challenge of establishing the region's first medical

college, the mission of which is to educate aspiring physicians and scientists to serve society using a community-based, patient-centered, interprofessional and evidence-based model of education that promotes discovery and utilizes innovative techniques.

The goal of the Commonwealth Medical College is to increase the number of physicians in northeastern Pennsylvania. During the next 20 years, the facility is expected to add 425 practicing physicians to the region. It is also expected to add $70 million to the local economy once it opens and create 1,000 new jobs that directly and indirectly supports the facility's operations.

Ultimately, the project intends to create a unique medical education experience that fosters collaboration among interdisciplinary team members, patient-centered care and improving the health of the regional population.

A graduate of New York Medical College, Dr. D'Alessandri earned his MD in 1971. He did an internship at Metropolitan Hospital in New York and was a fellow at the University of Florida, Division of Infectious Diseases.

He is board certified in infectious diseases and a diplomat of the American Board of Internal Medicine. He is a member emeritus of the Association of American Medical Colleges and he served as chair of several committees. He was a member of the Accreditation Council for Graduate Medical Education Executive Committee and was Chairman in 1995–96. He served on the advisory committee for the AHC/HASA Center for Interdisciplinary, Community-Based, Learning of the Association of Academic Health Centers and was on the Regional Policy Board of the American Hospital Association. Dr. D'Alessandri is well published on a variety of subjects and has received numerous honors and awards throughout his career.

Madam Speaker, please join me in congratulating Dr. D'Alessandri on this auspicious occasion. His selection as "Man of the Year" is a reflection of the respect with which he is held by the entire community and the high expectations the community has for the important mission he is leading.

IN MEMORY OF ANNETTA "ANNE" EVENSON OLIVER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GALLEGLY. Madam Speaker, I rise in memory of Annetta "Anne" Evenson Oliver, whose dedication to the health care profession, her family, her community, and her country will be long remembered.

Anne died last week. By her side were her husband of 42 years, Jerry; her daughter, Chrissy; and her son, Jason.

After graduating from the University of Wisconsin at Madison in 1962, Anne accepted a commission in the United States Navy Nurses Corps. She received an honorable discharge three years later with the rank of lieutenant, then served U.S. military veterans for the next 30 years at the VA Hospital in San Fernando and the Department of Veterans Affairs Medical Center at Sepulveda, in Los Angeles, California.

After her retirement from the Department of Veterans Affairs, Anne became a nursing educator and, for the past 11 years, was a nursing supervisor at Simi Valley Hospital in Simi Valley, California.

An active mom as well, Anne was a Girl Scout and Cub Scout leader and a team mom and nurse. She served her community as an original member of Neighborhood Council #3 in Simi Valley and a former board member of the Simi Valley Free Clinic.

Madam Speaker, I know my colleagues join my wife, Janice, and me in offering our condolences to Jerry, Chrissy, and Jason and all who knew and loved Anne. Godspeed, Anne.

COMMEMORATING THE ESTABLISHMENT OF GALLERY 218

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. McGOVERN. Madam Speaker, I rise today to honor the efforts of the administration, students, and faculty of the Franklin Public Schools in Franklin, Massachusetts for establishing Gallery 218.

Gallery 218 was created by converting a storage room off of the high school's cafeteria into a pleasant and inviting space where exhibits of student artwork are proudly displayed. This gallery is open to the community to showcase how important a great art program is to a well-rounded education.

The faculty who provide art education in Franklin are themselves great artists. I had the pleasure recently of visiting Gallery 218 where the current exhibit consists of works of art created by the faculty. I was extremely impressed with the quality and variety of artwork on display.

Madam Speaker, I am certain that the entire House of Representatives joins me in congratulating the administration and faculty of the Franklin Public Schools for their exemplary efforts to promote the arts in their schools by establishing Gallery 218.

I am including in the RECORD a recent article from the Milford Daily News about this terrific project.

[From the Milford Daily News, Sept. 24, 2008]

ART TEACHERS LEAD BY EXAMPLE

(By Heather McCarron)

FRANKLIN.—The old myth, "Those who can, do, and those who can't, teach," has been proven completely false by the town schools' art faculty.

Mike Caple, art director for the School Department, is joining other members of the K–12 art faculty this fall in an exhibit that proves "these teachers can do."

To open the second season of the schools' new art space, Gallery 218, many of the 17 members of the art and visual media faculty will be displaying their work to the public through Nov. 7.

An opening reception at the gallery, located at Franklin High, was held last Tuesday.

In addition to being instructors, "we are all practicing artists," said Caple, who teaches Advanced Placement studio art, photography and introductory courses. "To be an effective visual instructor, you have to practice what you do."

He said he and fellow teachers thought it would be a great way to start off the year at Gallery 218, which debuted last April, "by showing what we can do."

He thinks it's important, especially for students, to see "one, that we are practicing artists and we go through the same process as they do. And, secondly, to show them what they can do."

It's also important to connect with the greater community, Caple said, and demonstrate how meaningful a great art program is to a well-rounded education.

"We really want to show the value of that to the community," said Caple, whose main focus is photography.

The teachers' work runs the gamut from abstract pieces done in acrylics and oils, to watercolors, sculpture, photography and film.

Caple has included black-and-white images featuring his daughters, as well as a photographic digital collage that is an emotional exploration of the loss of his brother years ago in a car accident.

"I've photographed my family since high school," Caple said. "Always black and white. It's just how I see it. I'm interested in the non-posed moments. I'm interested in capturing moments in between the poses."

Video production teacher Nick Bailey's work in the exhibit includes "The Director," his 15-minute thesis film "about a kid trying to make a movie to impress people."

Bailey thinks having the teachers show their work is a great idea. "We've got a lot of talented artists that are teachers," he said.

Lauren Jezierski, who teaches ceramics, sculpture and advanced 3–D, has mixed media pieces in the show. "They're all self-portraits of different types, in different mediums. There's wood, there's acrylic paint, even sewing," she said, noting, "I like kind of repeating the same subject, but in different ways, telling different stories."

She thinks the show is not only a way for the community to see the instructors' talents, it's also a way for the artists to connect with, and inspire, each other.

"We don't get to see each other's work much," she said.

Pam Ziegler, a graphic design teacher at the high school, contributed abstract watercolors developed from photographs she took in Italy, in addition to a "found object sculpture" about the process of creativity.

"I always say teachers should live what they teach. Otherwise, it's not really authentic," Ziegler said.

Jane Hogan teaches the honors portfolio class and, besides a portrait and some abstract works, has contributed a handmade portfolio that, in part, explores her careers as a teacher and an artist. She describes herself as someone leading "kind of a dual life of teaching and doing art."

"It's important as a teacher to also do your own work," she stressed. "You stay fresh. Your creativity stays in use."

Amy Radcliffe, who teaches painting, printmaking, portfolio, drawing and introductory art courses, has prints in the exhibit, made by running a painted metal plate through a press. She also is showing two paintings which are explorations of the same subject: An old, beat-up typewriter she found in the woods.

"I just thought it was a real interesting piece that must have had some history to it," Radcliffe explained.

When she is teaching, Radcliffe said, "I try to remind the kids that I'm an artist, too, and I've been through the same struggles."

She said it's also fun to see her colleagues' work. "It's a little more insight into their personalities and styles," Radcliffe said.

Artist Emily Ortmann included an acrylic abstract painting in the show, and two pieces of hand-painted, sandblasted glass.

Having grown up on Long Island—"Jackson Pollock land"—she said, "a lot of my influence is from abstract expressionists."

''There's so many different styles,'' she said of the faculty show.

Zachary Breeze, who teaches computer-aided drafting at the high school, is a case-in-point. His piece, called ''The Pool Hall,'' is a 3–D image created using a computer.

''I use a program called Solid Works,'' he said. ''Basically, you create an object in the program and make it three dimensional.''

Remington Middle School art teacher Rosanne Gosch contributed two abstract pieces which, she said, are ''very different from anything I had ever made before,'' having been classically trained.

As a teacher, she said, she usually shares work in the form of project examples and demonstrations. But the faculty art show, she said, ''is a little bit more personal, inviting the public, and not just our students, to have a peek into our private selves.''

''I'm always very comfortable showing off other people's work, but a little protective of my own, so this is a good opportunity for me to just get over myself already,'' she said.

Jefferson Elementary School art teacher Jennifer McCarthy created a still life in oil and a pastel from a class she took this summer on Cape Cod.

What inspires her, she said, ''is the message we can send and portray with the images we create.''

Being able to share the work is key, and McCarthy loves that Franklin's art teachers and students have somewhere to do that.

''I think the gallery really sends a message that art is important, we appreciate its value and look at all the great work that is being produced by our teachers and by the students,'' she said.

HONORING THE LIFE AND MEMORY OF ED VOLLENWEIDER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor Ed Vollenweider, a community leader, and World War II hero, and mourn him upon his passing at age 87.

Born in Chicago, Illinois in 1921, the son of Swiss immigrants, Ed Vollenweider grew up on a small dairy farm in New Glarus, Wisconsin. Ed joined the U.S. Air Force and became a successful B-26 bomber pilot garnering 72 missions in the European theater of World War II. One of the many B-26 planes he flew, Flak Bait, now rests in the Smithsonian Institution in Washington, DC. After his tour of duty ended, he briefly attended the University of Minnesota where he met and married Gloria Boehmke. Ed and Gloria owned and operated Larsen's Teal Lake Resort in Hayward, Wisconsin from 1947 to 1950. Sadly, in 1986 after 39 years of marriage, Ed's wife, Gloria passed away. In 1965, along with two partners, Ed opened the Detroiter Truckstop in Woodhaven, Michigan, where he served as President and CEO. For 43 years, the Detroiter Truckstop became an institution and landmark of southeast Michigan. Ed was also an active board member of the National Association of Truck Stop Operators, Michigan Trucking Association, Grosse Ile Golf and Country Club, and the National Rifle Association.

Tragically, Ed passed away on September 28, 2008 and will be cherished as a devoted husband and father. To his wife, Faith, to his sons Edward and Billy, sisters Ruth Esser and Hulda Wesner; and to everyone who knew and loved him, Ed was a dedicated member of his community who will be truly missed.

Madam Speaker, during his lifetime, Ed Vollenweider enriched the lives of everyone around him by exhibiting courage, leadership, and spirit. As we bid farewell to this outstanding individual, I ask my colleagues to join me in mourning his passing and honoring his many years of loyal service to his community and our country.

HONORING REGINA CORBIN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise in honor of Regina Corbin for her remarkable contributions to her community. Ms. Corbin has led a life of selfless devotion that is inspiring to all. Over the course of her adult life, she has established a successful career, an admirable and distinguished record of service, and is a proud wife, mother, and grandmother.

Regina has always been passionate about helping others. She has worked two jobs, one for 29 years as a Registered Respiratory Therapist at North Shore LIJ and another at the Nassau County Board of Elections for the past 14 years, where she currently works.

Regina's service to the community is not limited to her work experience. Regina has and continues to take the initiative in being a proactive community leader and organizer. As a mother, she has been active in the Girl Scouts and Boy Scouts of the America. Additionally, her continued support of Glory House Recovery, Inc., a residence recovery program designed specifically for women, is a testament to her good will. As a ''Democratic Zone Leader'', she has reached out to the community and educated citizens on the political process. In doing so, she has assisted countless men and women in drawing attention to their respective needs.

Her work has yielded tangible and productive change. After receiving a letter from an elementary school child in upstate New York whose friend was killed by an electronic gym door, she made it her priority to see that such a tragedy be prevented. As State PTA chairperson of the NYS Health/Safety and Juvenile Protection Committee, she used her unrelenting commitment and passion to get appropriate safety legislation adopted.

Regina's work is surely inspiring to us all, and I am immensely grateful to her for all she has done. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for her extensive contributions to society.

HONORING THE ACCOMPLISHMENT OF ED LOVE

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. CONYERS. Madam Speaker, I rise today to express my gratitude for my fellow jazz enthusiast and Detroiter, Ed Love. For more than 24 years, Ed Love has delighted listeners with ''Destination Jazz: The Ed Love Program,'' on weekdays from 7 p.m. to midnight on WDET 101.9 FM. Ed's passion for jazz and radio extends all the way back to his youth in Kansas, when he was an avid listener of his mother's records and hosts like Dick Martin of WWL in New Orleans. After graduating from broadcasting school, Ed worked for Armed Forces Radio in several states and in the Philippines. Starting in 1960, he worked at various stations throughout Detroit until joining WDET in 1983. Ed has not only entertained Detroit radio listeners throughout his impressive career, but also spent six years hosting a nationally syndicated program entitled ''The Evolution of Jazz,'' educating and entertaining listeners on 125 stations from coast to coast.

Ed was honored for his contribution to the world of jazz with the ''Distinguished Achievement Award'' from the Motor City Music Foundation. Ed was recognized by the Friends of the Detroit Institute of Arts with the ''Dr. Alian Locke Award'' in 1999 for his contributions to the arts. He's earned two ''Spirit of Detroit Awards'' from Detroit Mayors Coleman A. Young and Dennis W. Archer. The Michigan House of Representatives, the Michigan Senate, the Congressional Black Caucus and the National Broadcast Awards have all recognized him for his profound knowledge and love of jazz. The Southeast Michigan Jazz Association (SEMJA) recognized Ed for his outstanding contribution to jazz and the arts. In 2005, Ed received the ''Detroit Jazz Guardian'' Award from the Music Hall Center for the Performing Arts and the Detroit International Jazz Festival. Ed was also honored in 2005 with the ''Distinguished Arts Achievement'' award from the Oakland County chapter of The Links. He has also served as the senior program consultant for the Detroit International Jazz Festival since 2000.

In the wake of the collapse of the International Association of Jazz Educators, Ed Love and other jazz advocates will be even more important in the preservation of one of our Nation's treasures and original art forms, jazz. I know that as long as jazz has stewards like Ed Love, we can be assured that it will be taught and will thrive the future. Through his work, Ed Love has and will continue to inspire generations of performers, educators, and students for years to come.

CELEBRATING FILIPINO AMERICAN HERITAGE MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. ABERCROMBIE. Madam Speaker, I rise today in honor of Filipino American Heritage Month. It is with great pleasure that I join Filipinos across the country in recognizing the history, culture, and accomplishments of Filipino Americans. Filipino American Heritage Month has been celebrated nationwide every October since 1988, and the Hawaii State Legislature, on April 15, 2008, was the first governing body to officially recognize the month.

There are nearly 4 million people of Filipino descent in the United States, and a sizeable

population of this group resides in my home State of Hawaii. Filipino Americans have been in the United States since the 18th century and have been in Hawaii since 1906, when the first Filipino migrant laborers came to Hawaii to work on the sugar and pineapple plantations. Those Filipinos, their descendants, and the recent immigrants to Hawaii and America have made an indelible impact on our culture, and we should be sure to take this month to recognize the contributions of Filipino Americans.

While Filipinos have made great contributions to America, it is important that we not overlook the needs of the community, including a fair and sensible immigration policy. I chair the Immigration Task Force of the Congressional Asian Pacific American Caucus, CAPAC, and I will continue to fight for the needs of families within the immigration debate.

One of the major issues for the Filipino Americans and other Asian Pacific American communities is family reunification: allowing relatives of legal permanent residents, other than spouses and minor children, to immigrate legally and join their families. It can take the U.S. Citizenship and Immigration Services (USCIS) as long as 23 years to even consider an application for a family member from the Philippines.

The extended family is a foundation in many of our cultures, and it provides real benefits to the greater society as well. Families often pool resources to educate children or purchase homes and establish roots in their communities. We often see extended family networks starting businesses, providing economic development and jobs. Congress must act to ensure that families who will contribute to American society are not punished by our immigration system.

The treatment of Filipinos who fought with the United States Armed Forces in World War II is also an issue of great concern for Filipino Americans and a dark spot in American History. The Philippines became a United States possession after Spain ceded it as part of the treaty ending the Spanish-American War in 1898. In 1934, Congress created a 10–year time frame for independence through the ''Philippine Independence Act.'' However, since the Philippines remained a colonial possession until 1946 the United States retained the right to call upon military forces organized by the Philippine government into the United States Armed Forces.

On July 26, 1941, President Franklin D. Roosevelt issued a military order that brought the Philippine Commonwealth Forces under the control of the United States Armed Forces during World War II. These men bravely fought with our own troops during the war, and many perished or suffered severe wounds from the battles in the western Pacific Theater. After the surrender of Japan, Congress required the Philippine Forces to continue service their service. Many helped occupy lands, many oversaw military operations, and many made the ultimate sacrifice to secure our victory in World War II. Yet, when wartime service ended formally in 1946 they did not receive the same benefits and the same treatment as other American soldiers.

Yet, for all their heroic and courageous actions, Congress passed the ''Recession Act'' in February 1946. This essentially denied Filipino veterans any of the benefits that their American comrades in arms received, including full access to veterans' health care; service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits. No other group of veterans has been systematically denied these benefits. While we are nearly out of time to right this wrong this Congress, I look forward to working with my colleagues in the 111th Congress on ensuring Filipino veterans the benefits they deserve.

Filipino Americans have enriched the fabric of America, and I am proud to celebrate Filipino American Heritage Month. I look forward to continuing to work with the Filipino American community to address the needs and concerns of Filipino Americans throughout the United States.

RECOGNIZING FAMILIA UNIDA LIVING WITH MULTIPLE SCLEROSIS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Ms. SOLIS. Madam Speaker, I rise today to honor the work and service that Familia Unida Living with Multiple Sclerosis, Familia Unida, contributes throughout California's 32nd Congressional District.

Familia Unida's mission is to enlighten, educate, and unite families that are affected by Multiple Sclerosis, MS, as well as other debilitating diseases. Though originally founded to provide culturally and linguistically sensitive resources to the Latino community dealing with MS, Family Unida's outreach now extends into the entire MS community, providing services to any who request assistance in coping with this disease. Through events such as the 5th Annual Wheelchair Wash, Familia Unida continues to bring awareness to the importance of the inclusion of all persons, especially those living with disabilities, in our lives.

Famila Unida has enhanced the quality of life for many through its extensive services in obtaining health care access, as well as providing educational resources. As Family Unida continues to honor its founding principles of providing culturally sensitive programs and support for those living with MS, I ask that my colleagues join me in recognizing its valued service and commitment to the MS community.

RECOGNIZING BOB SIKES ELEMENTARY SCHOOL UPON ITS FIFTIETH ANNIVERSARY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Bob Sikes Elementary School on its fiftieth anniversary.

Named after Robert L. F. Sikes, the beloved former U.S. Representative of Crestview, Florida, Bob Sikes Elementary School upholds the same values and standards as its namesake. Serving from 1941 until 1962, Congressman Sikes is still remembered for his hard work and dedication to the area. His image continues to live on in the exemplary institutions that adopt both his name and his commitment to excellence.

For 5 decades, Bob Sikes Elementary School has influenced the academic success of its students. The school houses an exceptional faculty whose outstanding teaching capabilities have enhanced the learning opportunities for those enrolled. The school's administration is equally impressive as it expertly balances the rigorous demands of running the school. It is the countless hours of service and dedication employed by the faculty and administration that have enabled the students at Bob Sikes Elementary to attain academic excellence.

In addition to the active academic environment, Bob Sikes Elementary maintains a strong sense of community and enables each of its students to feel special. Teachers take the time to recognize and reward students' individual talents and help foster a familial feel in the classrooms. After 50 years, multiple generations of Crestview families who have attended Bob Sikes Elementary look back fondly on the school that taught them to read, to be kind to others, to count, and so many other important lessons. It is a testament to the school's academic and administrative strengths that 5 decades of families have continued to send their children to this exemplary school. It is these same strengths that ensure its continued success and the enrollment of children for decades to come.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Bob Spikes Elementary School on this outstanding achievement and for its exemplary service in the Okaloosa County School District.

IN RECOGNITION OF THE 35TH ANNIVERSARY OF THE HERITAGE FOUNDATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize The Heritage Foundation on the 35th anniversary of their founding. Since 1973, Heritage has been a stalwart in promoting and educating the American people on the merits of conservative, free market principles. Their belief in the power of individual liberty, American values, and limited government is matched by their dedication to a strong national defense.

The Heritage Foundation has been intricately involved in the rise of modern conservatism. It has benefited from the strong leadership of individuals like Executive Vice President and CEO Phillip Truluck. Phil is a native of South Carolina and graduate of the University of South Carolina. Additionally, the late Tom Roe of Greenville, South Carolina, was a longtime trustee and endowed the Thomas A. Roe Institute of Economic Policy at The Heritage Foundation.

From its influence in the days of the Reagan Revolution to the Contract with America and in promoting a strong national defense and sound economic growth in the aftermath of

September 11th, I commend The Heritage Foundation for over three decades of important work to help our Nation's leaders build a stronger America.

IN HONOR OF LORENE FOSTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Lorene Foster, who will turn 100 years young on October 20.

Lorene has been a resident of Simi Valley, California, since 1947. A real Simi Valley pioneer, she and her late husband, Chester, owned and operated the Simi Susana Airport in the east end of Simi Valley, where I kept my airplane when I was a private pilot. Lorene and Chester became my good friends.

Lorene has always been active and organized. She was involved in the Simi Valley Women's Club, PTA and served as class parent, 4–H, Campfire Girls, Bluebirds, Bridge Club, Boots and Slippers Square Dancing, Community Drama Group, Garden Club, and was a Simi Valley Hospital volunteer. Many of the groups she involved herself with she led or served as president.

Somehow, she also found time to travel around the world—twice.

Lorene still lives on her own and cares for her own finances. She still enjoys floral arranging, board games, cards, and painting. Lorene also enjoys her 3 daughters, 14 grandchildren, and 15 great-grandchildren.

Madam Speaker, I know my colleagues join my wife, Janice, and me in congratulating Lorene for 100 years of good and active living and in wishing her many more.

TRIBUTE TO CENTRAL COMMUNITY BRANCH OF THE YMCA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to a wonderful community institution in my district, the Central Community Branch of YMCA Greater Worcester.

For 144 years, the Central Community Branch of the YMCA of Central Massachusetts has worked to improve the lives of families in the Worcester community. The branch was established in 1864 to "improve the spiritual and mental condition of young men." The organization moved into its current Main Street home in Worcester in 1918, when the building was constructed. Since 1918, the building has undergone three major renovations in 1959, 1983, and 2008.

Currently, the newly renovated Main Street facility provides thousands of youth and adults with health and fitness programs, a range of classes, and sports leagues. The branch also offers the Worcester community an incredible diversity of programs in education, health, and fitness. Its Minority Achievers Program helps tutor high school children and guide them on the path to college. Its "Schools Out" programs provide hundreds of youth with safe after-school education and recreation programs. Its summer camps in Sutton and Boylston provide families with wonderful summer programming. Its Kids on the Go program teaches children aged 8–14 how to lead a healthy lifestyle with exercise and a balanced diet.

On Thursday, October 2, 2008, the Central Community Branch of YMCA of Central Massachusetts celebrates its successful completion of the "Strength of the Team" capital campaign and its renovations through a ribbon cutting ceremony. The organization has invested $5 million to improve the inner city beacon, allowing the community to be aware of its location. The renovation was driven by a successful capital campaign, which raised the largest gift to the branch in its entire history of $2.2 million from the George I. Alden trust. It also was the source of the largest individual gift of $500,000 from Gene DeFeudis. The wide support that this campaign received is tribute to the great work that the central branch does in the Greater Worcester community.

Madam Speaker, I commend this wonderful organization that brings together people from all backgrounds, cultures and religions for the purpose of improving the mind, body and spirit of all. I congratulate the staff, members and supporters of the Central Community Branch of the YMCA of Central Massachusetts for their successful "Strength of the Team" capital campaign, and I know all of my colleagues join me in thanking them for their wonderful work.

EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

SPEECH OF

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. ROHRABACHER. Madam Speaker, today's vote reaffirms the independence of Congress and makes it clear that we will not be stampeded into spending hundreds of billions of taxpayer dollars in a precipitous manner. This legislation would have directed $700 billion of the people's money to bailout rich and powerful interests who acted irresponsibly. It would have been a classic example of taking from those who have been responsible and giving it to those who have not.

We were told without this effort our country would suffer a financial calamity of historic proportion. However, Congress has spoken, and today's defeat of the bill is a rebuke of such scare tactics. These tactics made many of us even more skeptical of being rushed to act, especially when we are being asked to allocate hundreds of billions of taxpayer dollars.

There were no reforms included in the bill that would have addressed the initial root causes of this financial mess, so there is no reason to believe if we passed the bill that we would not find ourselves in a similar crisis and on the edge of a similar economic abyss over and over again. The elites in the financial industry wanted us to give them a blank check. Well, that's not responsible, and it doesn't take a financial genius to predict the resulting special interests feeding frenzy. Whether this feeding would ever avert an economic debacle is yet to be seen.

Effective reform takes time, commitment, and cooperation, which were obviously not a part of this speeded up, hysteria driven proposal. I remain willing to work with all of my colleagues in the House to fix our broken financial system. In the end, this bailout proposal was socialism for the rich, or better, socialism without a human face. It deserved to be defeated.

STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. STARK. Madam Speaker, I rise today to applaud House and Senate passage by unanimous consent of H.R. 7198, the Stephanie Tubbs Jones Gift of Life Medal Act of 2008. Representative Tubbs Jones' life ended as she lived it; by exemplifying concern for the welfare of others. She donated her organs in the waning hours of her life so that the lives of others could continue. In that spirit, this legislation creates a commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation. It is a fitting tribute to her, and I look forward to seeing this program get up and running.

This bill is a modified version of H.R. 6950, which passed the House on September 25, 2008. We modified the bill in order to address concerns from the other body and ensure its passage.

Unfortunately, in modifying the bill, we had to delete findings included in H.R. 6950. I ask to insert these findings into the RECORD.

(1) Congresswoman Stephanie Tubbs Jones was dedicated to eliminating health disparities and protecting vulnerable populations.

(2) Through her service on the Committee on Ways and Means, Subcommittee on Health, she was a strong voice for those who were poor, elderly, racial and ethnic minorities, and disenfranchised.

(3) Congresswoman Stephanie Tubbs Jones' concern for others was demonstrated by the decision to donate her organs, so that as her life ended, the lives of others continued.

(4) There are currently 99,625 candidates for organ donation on the national transplant waiting list. Every 16 minutes, a new name is added to such list. Sixteen persons die each day waiting for a life saving organ transplant.

(5) Minority populations account for nearly 50 percent of those on the national transplant waiting list.

(6) Diseases that can lead to organ failure, such as hypertension and diabetes, are found more frequently in ethnic minority populations than in the general population.

(7) While minorities donate organs in proportion to their population, the rate of organ donations fails to keep pace with the need for transplants in the population. African Americans, for example, represent about 13 percent of the population and 12 percent of organ donors, but comprise roughly 23 percent of individuals on national transplant waiting list for kidney transplants.

(8) Transplantation success rates are higher when organs are matched between people

sharing the same racial and ethnic background.

(9) Because of the disparities in the need for organs, minorities are more likely to wait longer to find a successful match and are more likely to be sicker when an organ is found.

(10) An increase in minority organ donations would decrease the waiting time and increase the likelihood of successful transplantations for minorities.

AMENDING THE COMMODITY PROVISIONS OF THE FOOD, CONSERVATION, AND ENERGY ACT OF 2008

SPEECH OF

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 2008

Mr. PETERSON of Minnesota. Madam Speaker, I submit for printing in the CONGRESSIONAL RECORD the following exchange of letters between the Committee on Agriculture and the Committee on Ways and Means with regards to H.R. 6849.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 27, 2008.

Hon. COLLIN PETERSON,
Chairman, Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN PETERSON: I am writing regarding H.R. 6849, which may be considered on the floor today, and which includes amendments to section 901 of the Trade Act of 1974 (19 U.S.C. 2497(a)). As you know, the Committee on Ways and Means has jurisdiction over legislation amending the Trade Act of 1974, and thus, these amendments fall within the jurisdiction of the Committee on Ways and Means.

However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 6849, and would ask that a copy of our exchange of letters on this matter be included in the Record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 27, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your letter regarding the Committee on Ways and Means' jurisdictional interest in H.R. 6849.

I appreciate your willingness to expedite this legislation for Floor consideration, with the understanding that it does not prejudice your Committee's jurisdictional prerogatives on this or similar legislation.

I will submit a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your support of H.R. 6849 and your cooperation as we work towards enactment of this legislation.

Sincerely,

COLLIN C. PETERSON,
Chairman.

HONORING THE LIFE AND MEMORY OF SHIRLEY DEMMER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor the life of Shirley Demmer and applaud Bill Demmer's establishment of the Shirley Dudek Demmer Summer Chair of Research at the Brain Aneurysm Foundation.

In 1952, Shirley was born in Detroit, Michigan to a homemaker and a General Motors automotive worker. She grew up in a modest neighborhood with five siblings. Tragically, at age 13, Shirley lost her mother to what was thought to be a stroke, but was later confirmed to be a ruptured brain aneurysm. After the passing of her mother, Shirley had to grow up fast. In 1975, she met her future husband Bill, with whom she would share 30 wonderful years of marriage. In 1978, the Demmers moved to Northville, Michigan, and raised their three children. Shirley was active in her community, involved in philanthropic efforts especially in the area of violence against women. Bill became Chairman of the North American International Auto Show.

At 50, Shirley decided to accomplish one of her life's goals and complete her bachelors degree. In 2007, she graduated with highest honors from Madonna University with a degree in sociology. Soon thereafter, Shirley applied and was accepted into the University of Michigan's Gender Studies graduate program. Unfortunately, she never had a chance to earn her graduate degree. Sadly, Shirley Demmer died in November 2007. Shirley was a person of extreme warmth and caring. She touched the lives of many people in her community, and she is sorely missed.

After her passing, Bill sought to learn everything possible about brain aneurysms. He found the incidence of brain aneurysms are often partly genetic and his mother-in-law had probably died from a ruptured brain aneurysm. Consequently, he ensured their children and Shirley's siblings were screened for brain aneurysms. Thanks to these screenings, Shirley's sister Nancy was found to have a brain aneurysm and underwent a successful craniotomy to save her life. In addition, her husband Bill provided a grant to establish the Shirley Dudek Demmer Chair of Research at the Brain Aneurysm Foundation to promote early detection of brain aneurysms.

Fortunately, today there is a greater awareness of brain aneurysms and the danger they pose to Americans. Through the efforts of people like Bill Demmer and organizations like the Brain Aneurysm Foundation, our nation's leaders have become involved in efforts to promote brain aneurysm awareness. For on September 26, 2008, Representative PATRICK TIBERI (OH) introduced H. Res. 1511, which would express support for designation of the month of September as "National Brain Aneurysm Awareness Month".

Madam Speaker, today, as we remember the life of Shirley Demmer, I ask my colleagues to join me in mourning her passing and applauding the establishment of the Shirley Dudek Demmer Chair of Research.

IN HONOR OF TAIWAN NATIONAL DAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. BERMAN. Madam Speaker, I rise in order to celebrate with the Taiwanese on their National Day.

This year, the Taiwanese people demonstrated to the world during their most recent Presidential election with a clear, ringing voice of freedom that they are a democratic people and a beacon of democracy to Asia and the world.

The peaceful transfer of power between Presidents stood as a reminder that Taiwan is an important ally to the United States as they exemplify to that region democracy and rule of the people. Today, as the newly elected President Ma prepares to celebrate with his people, Taiwan's National Day serves as a reminder that all who share the ideals of liberty enjoy the bonds of friendship and peace.

Please join with me in congratulating Taiwan, both our friend and ally, and on their National Day.

TRIBUTE TO THE HONORABLE BUD CRAMER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a fellow Blue Dog, a gracious friend, and a great American.

Since 1991, this gentleman has served his home state of Alabama as an outstanding Member of Congress, and before that served our country as a member of the United States Army and Army Reserve.

He has been a champion of child protection—reflecting his roots as founder of the National Children's Advocacy Centre—and a true promoter of our space program. He is a longtime supporter of national defense measures, and a tireless advocate of fiscal responsibility.

ROBERT EDWARD CRAMER, Jr.—our friend Bud—has plenty of folks both home in Huntsville and here in Washington, DC who admire and appreciate him, but I ask you to join me again today in congratulating him on a job well done and a journey well traveled.

CELEBRATING FILIPINO AMERICAN HERITAGE MONTH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. FILNER. Madam Speaker, I rise today to speak about a resolution that I have just introduced along with Congressmen HONDA, ISSA, and BOBBY SCOTT, my colleagues on the

U.S.-Philippines Friendship Caucus, H. Res. 1523. This resolution recognizes Filipino American Heritage Month and celebrating the heritage and culture of Filipino Americans and their immense contributions to our Nation.

The Filipino American National Historical Society established Filipino American History Month in 1988 but I was surprised to learn that the House of Representatives has never recognized this month, which is long overdue! We are pleased to honor the Filipino American community and pay tribute to the extraordinary contributions that Filipinos make to this Nation. Filipino Americans have been part of the American experience, confronting many difficult challenges while being resolute and steadfast in their cultural heritage.

We honor the Filipino Americans, from the farm workers to nurses and doctors and to the brave and courageous soldiers who fought shoulder to shoulder with American servicemen. This country is indebted to the Filipino veterans of World War II for their extraordinary sacrifices. We promise that we will not give up. Equity and recognition for World War II Veterans is a moral imperative!

I invite my colleagues to join with me in honoring the history, culture, and contribution of Filipino Americans in the United States, by supporting this important resolution, H. Res. 1523.

HONORING THE LIFE OF WILLIAM ''SON'' EDWIN HUDSON, SR.

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday October 2, 2008

Mr. CHILDERS. Madam Speaker, I rise today to honor the life of the late William ''Son'' Edwin Hudson, Sr. who was tragically taken from us Friday, September 26, 2008. Mr. Hudson was a native Mississippian, and member of Sardis Lake Baptist Church. He was known in the community as a public servant, and served as the Panola County Emergency 911 Civil Defense Coordinator.

Mr. Hudson lost his life in a tragic automobile accident, at the age of 65. He was very active in his community; he was a director of the Panola County Homeland Security, the Panola County E–911 Coordinator and Panola County Fire Coordinator. His life of service and friendship to the Panola County region will not be forgotten.

William ''Son'' Edwin Hudson, Sr. is survived by his brother, James Rodney Hudson of Sardis, his two daughters, his two sons, and his seven grandchildren. The great State of Mississippi thanks him for his contributions. I ask my colleagues to join me today in remembering William ''Son'' Edwin Hudson, Sr. in their thoughts and prayers.

UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 26, 2008

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my reluctant support for the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act.

I support this legislation because, on balance, I think it advances U.S. national security and other national interests. I do so reluctantly because of the risk that it weakens our efforts to prevent the proliferation of nuclear material and nuclear technology.

I ultimately support this measure for three major reasons:

First, this agreement will create more international supervision of India's nuclear fuel cycle than there would be without it. India and the International Atomic Energy Agency have agreed to new safeguards for Indian civilian nuclear plants. In addition, over the last 30 years India has voluntarily imposed safeguards on its nuclear program and has established an excellent record on non-proliferation. While India is not a party to the Nuclear Non-Proliferation Treaty (NPT), it has maintained strict controls on its nuclear technology and has demonstrated that it is committed to being a responsible nuclear steward. That is one the reasons that the 45 nation Nuclear Suppliers Group granted India a waver to permit it to purchase fuel and technology.

Second, India is a country with a large, well-established, multicultural and multireligious democracy. Building a strategic relationship with India will further our interests in the region and send a strong signal that responsible conduct is recognized. India's conduct stands in stark contrast to that of North Korea, which is a signatory of the NPT but has violated its responsibilities under that agreement by building and testing nuclear weapons.

Third, this bill is important for how it may impact India's growing contribution to global warming. India's economy is growing rapidly, swelling at more than 7 percent per year. That economic growth is fed by a voracious appetite for electricity. More than half of India's new power supplies come from coal. Displacing coal use in India with nuclear power could prevent the release of millions of tons of carbon dioxide each year into the atmosphere.

Last, in recent weeks, secret correspondence between the White House and Congress has further clarified the U.S. position on many important questions about this deal. Assistant Secretary Bergner wrote Representative TOM LANTOS in January of this year and stated in no uncertain terms that the United States will not sell sensitive nuclear technologies to India and would immediately terminate the agreement if India conducted a nuclear test.

For these reasons, I will support this agreement. But I support it with the caveat that, in the event that India tests a nuclear weapon, I will actively and strongly work to terminate the agreement.

TRIBUTE TO MOUNT CALVARY BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. TOWNS. Madam Speaker, it is my honor to rise today on behalf of Mount Calvary Baptist Church. This beacon of hope in Harlem has provided faith and fellowship for its congregation for 91 years.

The rich history of this Harlem religious institution began 1917. At the time Black laborers were actively recruited to leave the South to work in New York's factories. Mount Calvary Baptist Church, among other churches, served as a pillar of spiritual sustenance and support for this young Black community. Throughout Harlem's tough times including devastating riots, poverty, crime, and unemployment, the church has continued its invaluable work, inspiring new generations of Harlemites to improve their communities and to develop their spiritual potential.

Mount Calvary Baptist Church, in 1991, began a series of new community projects, starting with the Building Trade Training School Program and later the church's participation in the ''Angel Tree Prison Ministry'' in 1995.

Mount Calvary Baptist Church has since built on its years of community work to found a highly successful men's ministry, women's ministry, and prison ministry, as well as sponsoring health workshops for men, a youth basketball team, and a Youth Ministry in 2001.

Mount Calvary Baptist Church, under the adroit leadership of Reverend Dr. Adolph Roberts, Senior Pastor, can take pride in its many accomplishments in the community. Over the course of its 91-year history, the church has served as the spiritual home of thousands of men, women, boys, girls, and teenagers, inspiring them with a message of hope, deliverance, and prosperity.

THE LIFE AND LEGACY OF ALABAMA CIVIL RIGHTS ATTORNEY J.L. CHESTNUT

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. DAVIS of Alabama. Madam Speaker, I rise to honor the legacy of an outstanding Alabamian who died this week, J.L. Chestnut. Thousands will gather next Wednesday in Selma to lay him to rest, and to recall the way his extraordinary life shaped my state.

J.L. Chestnut was born in 1930 in Selma. The Depression-era South suffocated the aspirations of most young black men, but J.L. managed to escape, first to Dillard University, then to Howard Law School. It would have been understandable if he had joined the ranks of educated blacks who never returned to the South, shunning the region that lynched Emmett Till and that spawned the most virulent resistance to integration. J.L., however, was the kind of intrepid soul who sought out the South as the likeliest frontline in the fledging civil rights movement.

When he came home, he started his life's work of defending powerless people. I've

heard older lawyers in Selma describe even the youthful J.L. Chestnut's brilliance in the courtroom and the cool, relentless way he navigated through a segregated justice system in those early years. Not surprisingly, the organizers of the Selma marches in 1965 turned to him when they needed a legal strategy to spring demonstrators out of jail before they could be mauled or before they lost hope. It goes without saying that his visibility made him a marked man in a county where civil rights demonstrators occasionally wound up dead.

When the drama of the voting rights campaign ended, Chestnut's prestige as black Selma's attorney of record continued to rise. Chestnut litigated dozens of cases in federal court that reminded Alabama and Dallas County that the Constitution applied there—his work integrated juries, and the administrative ranks of the school system, as well as every sector of the workplace. Over the last decades of his life, he was the principal voting rights litigator in Alabama. The lawyer who was renowned for keeping innocent young men out of jail emerged as the lawyer to call if some municipality or county was scheming to dilute the black voter share, or to put some new encumbrance on black voter registration. The testament to his craftsmanship: I heard a federal judge say once that he looked more skeptically at voting rights cases in Alabama that didn't have Chestnut's names on the pleadings.

Chestnut, to my knowledge, never entertained the idea of running for office. He memorably told an audience once that you could lean on politicians more effectively if you weren't one of them. Thankfully, he leaned on more than a few and helped prop up a good number of others. He helped found the Alabama New South Coalition to support progressive candidates. One of the last ones he backed was Barack Obama, and J.L. went to his grave heartened that this miracle might be coming true.

Since I have entered office, I have seen Rosa Parks, Coretta King, John Hulett, Johnnie Carr, and now J.L. Chestnut called back home. Like them, Chestnut's contribution was moral authority at a time when both were in short supply. Chestnut and his class of heroes reminded us that we have obligations to each other—white and black people owe each other civility; talented people owe their community the service of their abilities; a decent society owes legal protections to every citizen; a privileged people owe the marginal among us security against the worst economic storms.

Finally, J.L. Chestnut reminded me that this new generation of leaders must challenge ourselves even more to forge lasting change—if J.L. could do it in a more hateful, more oppressive time, how dare we settle for a lesser standard of courage, and wit, and perseverance.

Madam Speaker, may God bless the family of J.L. Chestnut.

TRIBUTE TO LIEUTENANT JOE ROSS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. SARBANES. Madam Speaker, I rise today to acknowledge Lieutenant Joe Ross of the Howard County Department of Fire & Rescue Services, who has recently received two distinct honors. Lieutenant Ross has been named Howard County's 2008 Employee of the Year as well as Career Emergency Medical Services (EMS) Provider of the Year by the American Legion—Department of Maryland. It is right to take time in the Congress to thank someone for a job well done. Today we pause to recognize a man who goes above and beyond the call of duty.

Lieutenant Ross has worked as a medical professional with Howard County Fire and Rescue for almost 10 years. Before that time he worked for the Anne Arundel County Fire Department and served in the United States Navy. Ross currently serves as an instructor of advanced cardiac life support and pediatric advanced life support at the James N. Robey Public Safety Training Center, training not only his peers, but also nurses and doctors from area hospitals. His fellow citizens have recognized the value of his work to Howard County and the quality, skill and dedication that he brings to his work every day. Madam Speaker, Lieutenant Ross's contributions to our community deserve our recognition and we in Maryland thank him for his service.

EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to join thousands of families in my district who are struggling in this economy and frustrated at how this Congress is handling this rescue package.

A few days ago I stood shoulder to shoulder with Democrats and Republicans in this chamber and the families and businesses in my community to try and prevent an economic disaster.

While the bill we considered on Monday and the one we are voting on again is neither perfect nor popular, we have to do something on behalf of our Nation and its citizens. We have to fight for the families now at risk of losing their homes, the seniors who could lose their pensions and the students who are losing their shot at a college education.

Madam Speaker, I hope that our chamber can change the Senate's bill so that it does not include extraneous provisions that are unrelated to rescuing our economy.

We worked through the weekend last week and I am willing to do it again. We have the opportunity to do this right.

I believe this bill will ultimately protect middle class families, seniors on fixed incomes and students who want to go to college. I believe it also provides property tax relief, incentives for alternative energy and help for small businesses to create jobs.

These are provisions that will help families back at home and put our economy back on track.

On Monday we were derailed by too much bitter partisanship and the Senate's decision to tack on tax cuts for things like wood arrows, rum and race tracks will only make it harder to achieve the unity we need to help this great country.

I am for tax cuts—and have cosponsored more than two dozen in the last 22 months, but as I have said before, unrelated spending has no place in emergency legislation.

Madam Speaker, I urge the leadership of this House to strip the unnecessary provisions, pass this bill and send it back to the Senate with a message: we cannot afford to wait to do what's right.

HONORING THE SERVICE OF U.S. CONGRESSMAN DAVE WELDON, M.D.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. MICA. Madam Speaker, I rise today to honor and pay tribute to U.S. Congressman DAVE WELDON, M.D. who I have had the privilege to serve with over the last 14 years in the House of Representatives.

Congressman WELDON, Florida's doctor, will be retiring at the end of the 110th Congress after being first elected to the House in 1994. He has been a great example of a citizen legislator—giving up successful professional careers in the U.S. Army and in medicine and in sacrificing time with family to serve our nation.

Not only is Rep. WELDON a brilliant physician, but throughout his tenure in Congress, he has been a provider of leadership in representing Florida's Space Coast. When DAVE spoke on the floor, he spoke with knowledge, insight and understanding. Not only did he contribute to the legislative process, but he also improved the legislative product.

I am pleased to have this opportunity to salute Rep. WELDON and his wife Nancy for their public service. Madam Speaker, I ask all Members of the U.S. House of Representatives to join me in recognizing Congressman WELDON's service to our nation through all aspects of his life. To DAVE and his family, we extend our sincere thanks and well wishes for the future.

A TRIBUTE TO ARCHBISHOP WILBERT S. MCKINLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor to the work and achievements of Archbishop Wilbert S. McKinley, founding patriarch of the Elim International Fellowship.

Archbishop McKinley established Elim International Fellowship on July 26, 1964 at 9 Chauncey Street in Brooklyn. He began with a bold new vision: to create a dynamic spiritual center in the heart of Brooklyn that generates

a pulsating excitement of the presence of God for people of diverse cultural and socio-economic backgrounds.

Archbishop McKinley over the past 44 years has guided Elim's extraordinary growth and development, moving the church from its Chauncey Street location first to 1810 Fulton Street, then to 515 Classon Avenue, and finally to its larger, magnificent home on 20 Madison Street in the Bedford-Stuyvesant neighborhood of Brooklyn.

Archbishop McKinley has succeeded in creating a vibrant home for thousands of men, women, boys, girls, and teenagers seeking a sincere, personal relationship with Jesus Christ. The church has launched many powerful ministries that bring the Bible to life and inspire each individual to develop his or her spiritual potential.

Archbishop McKinley is also an accomplished, celebrated preacher and a master teacher. His message of hope, deliverance, prosperity, and nationhood is broadcasted live to thousands of listeners worldwide every Sunday morning.

Madam Speaker, I would like to recognize Archbishop Wilbert S. McKinley, Jr. for 50 years of outstanding service to our community as a member of the ministry.

Madam Speaker, I urge my colleagues to join me in paying tribute to Archbishop Wilbert S. McKinley.

HONORING BOY SCOUT TROOP 31

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Boy Scout Troop 31 for celebrating their 90th anniversary. The troop will celebrate this milestone on October 25 in Flint, Michigan.

In 1909, William D. Boyce of Chicago was visiting London and became lost in a dense fog. A Boy Scout helped him to safety. When he offered a tip to the youngster, the young man responded that a Boy Scout could not take a tip for doing a good deed. William Boyce was so impressed with the child that he sought out Robert Baden-Powell, the founder of the Boy Scouts, to learn about the organization. From that meeting the Boy Scouts of America was born. The concept of boys coming together to learn life skills spread across the United States and in 1918 Troop 31 was founded by Charles P. Coates at Court Street United Methodist Church.

Troop 31 is the fifth oldest troop in Michigan and 1 of 250 troops across the Nation that have been in existence for 90 or more years. Charles Coates was the first Scoutmaster leading the troop for the duration of World War I. During this time the Scouts served as messengers for the War Board, sold Liberty Loan Bonds, and collected War Savings stamps. C.S. Mott was mayor of Flint and his son, Harding C.S. Mott, was one of the first members.

Over the years, Troop 31 has been blessed with outstanding Scoutmasters and leaders. Norman A.J. Asselstine, known as ''Mr. A'' served the troop for over 40 years and Robert Bigler, known as ''Mr. B'' served for 50 years. Robert Bigler was the oldest and longest registered member of the Tall Pine Council when he passed away in 2004. Over 1,000 boys have belonged to Troop 31 over the past 90 years and over 60 Scouts have reached the rank of Eagle Scout.

Madam Speaker, please join me in congratulating the Scouts, Scout alumni, parents, leaders, and Scoutmasters of Boy Scout Troop 31. For the past 90 years, young men have gathered at Court Street United Methodist Church and pledged in the Scout Oath, ''On my honor I will do my best To do my duty to God and my country and obey the Scout Law; To help other people at all times; To keep myself physically strong, mentally awake, and morally straight.'' These words combined with the example of their leaders have guided the Scouts of Troop 31 as they matured into men. I pray Troop 31 will carry on this legacy for many years to come.

CONGRATULATING SUSAN FOSTER—RECIPIENT OF THE 2008 WEST REGION GREAT COMEBACKS AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Susan Foster on receiving this year's West Region Great Comebacks Award. This award recognizes the remarkable way in which Susan was able to overcome the physical and emotional challenges of having ulcerative colitis, a form of Inflammatory Bowel Disease.

Susan has suffered from this disease for 15 years before having a life-changing permanent ileostomy. Since then, Susan has dedicated herself to staying physically active and traveling, making it a priority to not allow her disease to control her life. She has also worked to actively reach out to others with IBD through her time with the United Ostomy Associations of America visiting patients who undergo ostomy surgery.

The Great Comebacks has been advocating for and inspiring those around the world living with IBD for the past 24 years. They have made it their mission to not only raise awareness for the difficulties that come with having IBD, but to also remove the stigma attached to having ostomy surgery. Organizations like the Great Comebacks support IBD patients and help them lead full lives in spite of the adversities they face.

Madam Speaker, please join me in recognizing Susan Foster for her energetic effort in supporting those with IBD, and her continued service to the community.

Daily Digest

HIGHLIGHTS

Senate agreed to H. Con. Res. 440, Adjournment Resolution.

Senate agreed to S. Res. 702, Commending David J. Tinsley.

Senate

Chamber Action

Routine Proceedings, pages S10399–S10507

Measures Introduced: Four bills and four resolutions were introduced, as follows: S. 3679–3682, and S. Res. 702–705. **Page S10486**

Measures Passed:

Inmate Tax Fraud Prevention Act: Senate passed 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, clearing the measure for the President. **Page S10405**

Federal Election Commission: Committee on Rules and Administration was discharged from further consideration of H.R. 6296, to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission, and the bill was then passed, clearing the measure for the President. **Page S10405**

Let Our Veterans Rest in Peace Act: Senate passed H.R. 3480, to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, clearing the measure for the President. **Page S10405**

United States Army Commemorative Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 2579, to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today, and the bill was then passed. **Pages S10420–21**

Juanita Millender-McDonald Highway: Senate passed H.R. 4131, to designate a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway'', clearing the measure for the President. **Page S10421**

Organ Transplant Authorization Act: Senate passed H.R. 6469, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network, after agreeing to the following amendment proposed thereto: **Pages S10421–22**

Nelson (NE) (for Dorgan) Amendment No. 5693, in the nature of a substitute. **Pages S10421–22**

Pickwick Post Office Building: Senate passed 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'', clearing the measure for the President. **Page S10422**

Gordon N. Chan Post Office Building: Senate passed 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'', clearing the measure for the President. **Page S10422**

CWO Richard R. Lee Post Office Building: Senate passed 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'', clearing the measure for the President. **Page S10422**

Staff Sergeant Nicholas Ray Carnes Post Office: Senate passed 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", clearing the measure for the President. **Page S10422**

Leo J. Ryan Post Office Building: Senate passed 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", clearing the measure for the President. **Page S10422**

Kenneth Peter Zebrowski Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3625, to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the "Kenneth Peter Zebrowski Post Office Building", and the bill was then passed. **Page S10422**

Spencer Byrd Powers Jr. Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3521, to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers Jr. Post Office", and the bill was then passed. **Page S10422**

Minnie Cox Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4010, to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the "Minnie Cox Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S10422**

Louisa Swain Day: Senate agreed to H. Con. Res. 378, expressing support for designation of September 6, 2008, as Louisa Swain Day. **Pages S10422–23**

Minority AIDS Initiative 10th Anniversary: Senate agreed to H. Con. Res. 426, recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative. **Page S10423**

Maternal Mortality: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 616, reducing maternal mortality both at home and abroad, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S10423**

Nelson (NE) (for Lincoln) Amendment No. 5694, of a perfecting nature. **Page S10423**

Religious and Cultural Sites: Senate agreed to S. Res. 705, expressing the sense of the Senate on the commitment of the United States to the preservation of religious and cultural sites and condemning instances in which such sites are desecrated. **Pages S10423–24**

United States Paralympic Team: Senate agreed to S. Res. 704, congratulating the members of the United States Olympic and Paralympic Teams on their success in the 2008 Summer Olympic and Paralympic Games and supporting the selection of Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games. **Pages S10424–26**

National Methamphetamine Awareness Month: Senate agreed to S. Res. 703, designating November 2008 as "National Methamphetamine Awareness Month", to increase awareness of methamphetamine abuse. **Pages S10426–27**

111th Congress: Senate passed H.J. Res. 100, appointing the day for the convening of the first session of the One Hundred Eleventh Congress and establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2008, clearing the measure for the President. **Page S10501**

Andean Trade Preference Act: Senate passed H.R. 7222, to extend the Andean Trade Preference Act, after agreeing to the following amendment proposed thereto:

Levin (for Reid) Amendment No. 5695, in the nature of a substitute. **Page S10503–04**

Adjournment Resolution: Senate agreed to H. Con. Res. 440, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, after agreeing to the following amendment proposed thereto: **Page S10504**

Levin (for Reid) Amendment No. 5692, to change the date of the reconvening of the Senate. **Page S10504**

Commending David J. Tinsley: Senate agreed to S. Res. 702, commending David J. Tinsley on his service to the United States Senate. **Page S10504**

Appointments:

Congressional Award Board: The Chair, on behalf of the Majority Leader, pursuant to Public Law 96–114, as amended, appointed the following individual to the Congressional Award Board: Kathryn Weeden of Washington, D.C. **Page S10427**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees,

boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S10427**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this recess or adjournment of the Senate from Friday, October 3, 2008 through Sunday, October 5, 2008, Senator Webb be authorized to sign all duly enrolled bills or joint resolutions. **Page S10427**

Enrollment Correction—Agreement: A unanimous-consent agreement was reached providing that if the Senate receives from the House of Representatives a correcting resolution to correct the enrollment of S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, that is identical to the matter which is currently at the desk, then it be considered to have been agreed to and the motion to reconsider be laid upon the table; and that if the House concurrent resolution is not identical then this order be vitiated. **Page S10501**

Recess—Agreement: A unanimous-consent agreement was reached provided that when Senate completes its business on Thursday, October 2, 2008, it stand in recess and convene at 3 p.m. on Monday, October 6, 2008, for a pro forma session with no business conducted except with the concurrence of the two Leaders; that following the pro forma session, Senate recess for pro forma sessions with no business conducted on the following days and times; provided further, that when Senate completes its pro forma session on Thursday, November 13, 2008, Senate recess until 12 noon on Monday, November 17, 2008 and that following the prayer and pledge, the Journal of Proceedings be approved to date, the time for the two Leaders be reserved for their use later in the day, and Senate be in a period of morning business:

Tuesday, October 7 at 11 a.m.;
Friday, October 10 at 11 a.m.;
Tuesday, October 14 at 12:30 p.m.;
Thursday, October 16 at 10 a.m.;
Monday, October 20 at 3 p.m.;
Thursday, October 23 at 2 p.m.;
Monday, October 27 at 9 a.m.;
Thursday, October 30 at 9:15 a.m.;
Monday, November 3 at 10 a.m.;
Thursday, November 6 at 11 a.m.;
Monday, November 10 at 1 p.m.; and
Thursday, November 13 at 3 p.m. **Page S10504**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report to extend the period of production of the Naval Petroleum Reserves for a period of three years from April 5, 2009; which was referred to the Committee on Armed Services. (PM–65) **Page S10483**

Nominations Confirmed: Senate confirmed the following nominations:

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2009 (Recess Appointment).

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009.

George W. Venables, of California, to be United States Marshal for the Southern District of California for the term of four years.

Thomas M. Beck, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

Katherine O. McCary, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2009.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Chad Colley, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Victoria Ray Carlson, of Iowa, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Tony J. Williams, of Washington, to be a Member of the National Council on Disability for a term expiring September 17, 2009.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

John R. Vaughn, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 2010.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to

serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for a term expiring December 12, 2011.

Carol Ann Rodley, of Virginia, to be Ambassador to the Kingdom of Cambodia.

John J. Faso, of New York, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2013.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Joe Manchin III, of West Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 5, 2012.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Harvey M. Tettlebaum, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2012.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

David H. Pryor, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

Bruce M. Ramer, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

Elizabeth Sembler, of Florida, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2014.

Loretta Cheryl Sutliff, of Nevada, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

Dennis Michael Klein, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

(Prior to this action, Committee on the Judiciary was discharged from further consideration.)

James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Turkey.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Heather McCallum, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2011.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Gregory G. Garre, of Maryland, to be Solicitor General of the United States.

Michael Bruce Donley, of Virginia, to be Secretary of the Air Force.

Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs).

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission for the term expiring November 22, 2014.

A. Brian Albritton, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years.

Mark J. Gerencser, of New Jersey, to be a Member of the National Security Education Board for a term of four years.

David H. McIntyre, of Texas, to be a Member of the National Security Education Board for a term of four years.

Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

Gineen Bresso Beach, of New York, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2009.

Michael Young, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Dave Heineman, of Nebraska, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2011.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2013.

(Prior to this action, Committee on Finance was discharged from further consideration.)

Esin Gulari, of South Carolina, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Diane L. Souvaine, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Anthony H. Gioia, of New York, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Karen Elliott House, of New Jersey, to be an Alternate Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

JoAnn Falletta, of New York, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2012.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Lee Greenwood, of Tennessee, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

(Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

18 Air Force nominations in the rank of general.

35 Army nominations in the rank of general.

11 Coast Guard nominations in the rank of admiral.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and the Navy. **Pages S10493–S10503, S10505–07**

Routine lists in the Foreign Service. **Pages S10493–S10501, S10505**

(Prior to this action, Committee on Foreign Relations was discharged from further consideration.) **Page S10505**

Routine lists in the Coast Guard. **Pages S10493–S10501**

(Prior to this action, Committee on Commerce, Science, and Transportation was discharged from further consideration.) **Page S10505**

Messages from the House: **Page S10483**

Measures Referred: **Pages S10483–84**

Measures Placed on the Calendar: **Pages S10484–85**

Enrolled Bills Presented: **Page S10485**

Executive Communications: **Pages S10485–86**

Additional Cosponsors: **Pages S10486–88**

Statements on Introduced Bills/Resolutions: **Pages S10488–91**

Additional Statements: **Pages S10472–83**

Amendments Submitted: **Pages S10491–93**

Recess: Senate convened at 10 a.m. and recessed at 6:05 p.m., until 3 p.m. on Monday, October 6, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10504.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 7240–7251; and 3 resolutions, H. Con. Res. 442; and H. Res. 1523–1524 were introduced. **Page H10699**

Additional Cosponsors: **Pages H10699–H10700**

Reports Filed: Reports were filed today as follows:

H.R. 6694, to revise the requirements for seller-financed downpayments for mortgages for single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act and to authorize risk-based insurance premiums for certain mortgagors under such mortgages, with an amendment (H. Rept. 110–905);

H.R. 840, to amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, with an amendment (H. Rept. 110–906);

H. Res. 1525, providing for consideration of the Senate amendments to the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (H. Rept. 110–907); and H. Res. 1526, providing for consideration of motions to suspend the rules and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–908). **Page H10699**

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker Pro Tempore for today. **Page H10645**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. Barry C. Black, Chaplain, United States Senate. **Page H10645**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Authorizing 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: S. 3641, 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, by a ⅔ yea-and-nay vote of 410 yeas to 2 nays, Roll No. 676 and **Pages H10653–54, H10671–72**

Agreed to table the motion to reconsider the vote by a recorded vote of 295 ayes to 115 noes, Roll No. 677. **Page H10672**

Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008: H.R. 7221, amended, to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, by a ⅔ yea-and-nay vote of 355 yeas to 61 nays, Roll No. 678. **Pages H10654–70, H10672–73**

Recess: The House recessed at 1:55 p.m. and reconvened at 5:05 p.m. **Page H10671**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

National Guard and Reservists Debt Relief Act of 2008: S. 3197, to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days. **Pages H10648–53**

Directing the Secretary of the Senate to correct the enrollment of the bill S. 3001: The House agreed to H. Con. Res. 442, to direct the Secretary of the Senate to correct the enrollment of the bill S. 3001. **Page H10673**

Capitol Visitor Center Act of 2008: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 5159, 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. **Pages H10673–77**

Authorizing the use of Emancipation Hall on December 2, 2008, for ceremonies and activities held in connection with the opening of the Capitol Visitor Center to the public: The House agreed to discharge from committee and agree to H. Con. Res. 435, to authorize the use of Emancipation Hall on December 2, 2008, for ceremonies and activities held in connection with the opening of the Capitol Visitor Center to the public. **Page H10678**

Honoring and recognizing Alice Mary Robertson who, while a Member of Congress, became the first woman to preside over the floor of the House of Representatives: The House agreed to discharge from committee and agree to H. Res. 1272, to honor and recognize Alice Mary Robertson who, while a Member of Congress, became the first woman to preside over the floor of the House of Representatives. **Page H10678**

Directing the Clerk of the House of Representatives to correct the enrollment of H.R. 6063: The House agreed by unanimous consent to agree to S. Con. Res. 105, to direct the Clerk of the House of Representatives to correct the enrollment of H.R. 6063. **Page H10678**

Advisory Committee on Student Financial Assistance—Appointment: The Chair announced the Speaker's appointment of the following members on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a term of three years: Upon the recommendation of the Majority Leader: Ms. Helen Benjamin of Vallejo, California and upon the recommendation of the Minority Leader: Mr. Anthony Guida of Pittsburgh, Pennsylvania. **Page H10678**

Providing for an adjournment or recess of the two Houses: The House agreed to the Senate amendments to H. Con. Res. 440, providing for an adjournment or recess of the two Houses. **Page H10678**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today and messages received from the Senate today appear on pages H10645–46, H10670–71 and H10686.

Senate Referrals: S. 602 was referred to the Committee on Energy and Commerce; S. 1703 and S. 3658 were referred to the Committee on the Judiciary; S. 3013 was referred to the Committee on Oversight and Government Reform and the Committee on Veterans Affairs; S. 3073 was referred to the Committee on House Administration; and S. Con. Res. 105 and S. 3197 were held at the desk. **Page H10697**

Quorum Calls Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H10671, H10672 and H10672–73. There were no quorum calls.

Adjournment: The House met at 12 p.m. and adjourned at 8:20 p.m.

Committee Meetings

CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by a non-record vote, a rule allowing the Speaker to entertain motions to suspend the rules through the legislative day of October 3, 2008. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to the resolution. The resolution waives the requirement of clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This would allow for same day consideration of any resolution reported by the Rules Committee through the legislative day of October 3, 2008. The rule provides that House Resolution 1516 is laid upon the table.

EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Committee on Rules: Granted, by a non-record vote, a rule providing for consideration of the Senate amendments to H.R. 1424: the Emergency Economic Stabilization Act of 2008; the Energy Improvement and Extension Act of 2008; and the Tax Extenders and Alternative Minimum Tax Relief Act of 2008. The rule makes in order a motion by the chairman of the Committee on Financial Services to concur in the Senate amendments. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendments and the motion shall be considered as read. The rule provides for 90 minutes of debate on the motion, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard from Chairman Frank and Representatives DeFazio, Jackson-Lee of Texas, Bachus, LaTourette and Latham.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1221)*

H.R. 5551, to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts. Signed on October 2, 2008. (Public Law 110–335)

H.R. 5893, to reauthorize the sound recording and film preservation programs of the Library of Congress. Signed on October 2, 2008. (Public Law 110–336)

S. 996, to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects. Signed on October 2, 2008. (Public Law 110–337)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 3, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on the Judiciary, hearing to continue investigation into the U.S. Attorneys Controversy and Related Matters (Part IV), 10 a.m., 2141 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation in September 2008, 9:30 a.m., SD–106.

Next Meeting of the SENATE

3 p.m., Monday, October 6

Senate Chamber

Program for Monday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 3

House Chamber

Program for Friday: To be announced.

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