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# Senate

The Senate was not in session today. Its next meeting will be held on Monday, October 6, 2008, at 3 p.m.

# House of Representatives

FRIDAY, OCTOBER 3, 2008

The House met at 9 a.m.

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

Lord, the words of Psalm 62 seem most fitting for us at this time. So we pray:

''In God is our safety and our glory, the rock of our strength. Find your resource in God, all you people. Trust the Lord at all times. Common folk are only a breath, your great ones an illusion. Placed on the scales, they rise equally. All weigh less than a passing breath.

''Do not put your trust in oppression nor vain hope in plunder. Do not set your heart on riches even when they increase.

''For God has said only one thing, only two do I know. That in God alone is power, and toward you the Lord shows love. And that is how each of you is to be repaid, each according to one's deeds.'' Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

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

## SAME DEEPLY FLAWED PLAN

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

Mr. DEFAZIO. This is, at its core, the same deeply flawed Bush-Paulson plan. Borrow $700 billion in the name of the American taxpayer, give Paulson unrestrained, unprecedented authority to buy anything he deems a troubled asset from anyone at any price.

What if there's a credible, low cost, low-risk alternative? I heard such a plan again last night from the head banking regulator under the Reagan administration, William Isaac: Use the emergency powers of the FDIC. Extend the same insurance given to Wachovia to the depositors and creditors of all banks. That would immediately free up interbank lending and credit. Granted, it doesn't solve the problem of the Wall Street speculators, but it does solve the problem of loans for business and Main Street.

Six years ago this month, Congress was stampeded by this President into an unnecessary and unprecedented authorization of force for war in Iraq under the threat of weapons of mass destruction. Do not repeat that mistake by authorizing George Bush an unprecedented use of financial force under the threat of financial weapons of mass destruction.

## OUR JOB IS NOT DONE

(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. Madam Speaker, today we vote on a piece of legislation that is an imperfect option and a terrible situation. But I hope Congress does not fail the American people by saying that this bill has solved the whole problem, because it has not.

The bad lending practices, mishandling by financial firms and failed oversight by the Federal Government over decades are not addressed today. But we better step forward and address them as soon as possible.

As a former real estate attorney for 25 years, I know firsthand that making home loans to individuals less than creditworthy can be destructive for those individuals and for this country. Government should not be telling banks that it is possible for them to make bad loans because the government will back them up.

Our job is not done today. Going forward, Congress has an obligation to face and fix the roots of this crisis, reducing government control.

In conclusion, God bless our troops, and we will never forget September



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11th. God bless Governor Sarah Palin for her service for America.

## FROM THE NEW DEAL TO THE RAW DEAL

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

Mr. KUCINICH. Madam Speaker, we have come a great distance in 75 years, from the New Deal to the raw deal, from having nothing to fear but fear itself, to being afraid of everything. We have traded democracy's warm heart, containing ideals of faith, fairness and frugality, for the greedy, cold, calculations of the Dow Jones ticker.

The New Deal saved free market capitalism with jobs and regulation. Now both sink in the swamp of speculation, manipulation and capitulation. The golden rule of ''Do unto others as you would have them do unto you'' is submerged by the rule of gold: 'Do unto others before they do unto you.'

Some people will ask of this Congress, what were we thinking? Why did we give a $700 billion bailout to Wall Street without fixing what caused the problem in the first place? Why did we rig free markets for security fraudsters? Why didn't we explore alternatives to let Wall Street solve its own problems? Why didn't we have money to save millions of homeowners, create millions of jobs and a green economy?

Why didn't we stop the speculators? Why wasn't there accountability? Why didn't we take time to make an intelligent decision? Why Why Why?

## THIS MAY BE THE DAY AMERICA DIED

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

Ms. FOXX. Madam Speaker, there is a song ''The Day the Music Died.'' I don't think it is too much of a stretch to say this may be the day America died. I am not alone in feeling that what the Congress is about to do today is a very, very serious, consequential thing for this country.

I want to quote from an article from Investor's Business Daily today.

''After years of faking it, the Federal Government has finally hit bottom or, depending on how you look at it, ascended to its level of maximum destructive incompetence.''

''Through its power over education and communications, Washington already influences the creation and dissemination of knowledge. Once it takes over the financial industry, nothing will be left standing in the way of the Federal Government's dominance. States and localities are mere administrative units and disbursing agents for Washington. Government has won its war against religion, sidelining churches.''

''American capitalism is not just an economic theory. It is a way of life where rewards are based on achievement, not identity or class, and is therefore inextricably bound up with individual freedom and American exceptionalism.''

## ACT DECISIVELY AND IN A BIPARTISAN FASHION

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

Mr. PALLONE. Madam Speaker, today the House must act decisively and in a bipartisan fashion to begin the process of rescuing an economy that has been spiraling downward for some time. Without action, we are warned the credit markets will freeze up, preventing families from getting car and home loans, students from qualifying for college loans, and small businesses from being able to pay their employees or purchase new products.

Over the last couple of days, we have heard that traffic in automobile dealerships is down 50 percent in the last month because people can't get the credit to purchase a new car. We have heard about college students not being able to pay for their classes or their books because they can't get the loan to attend school.

If we don't act today, credit markets will freeze and Main Street will suffer. Families living from paycheck to paycheck will see their credit card limits slashed and interest rates increased. This is something we simply can't allow to happen. I hope that we can come together in strong bipartisan fashion to pass this economic rescue package today.

## MIDDLE CLASS FAMILIES AND THE STRUGGLES THAT THEY FACE

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

Mr. EMANUEL. Madam Speaker, in the past week, we negotiated what the financial markets needed and what the public market wanted, taxpayer protections. This is only the first step.

While we address the balance sheets of banks, the next step must now address the checkbooks for middle class families and the struggles that they face. The middle class today is working harder, earning less, and paying more. In the last 7 years, median household income has dropped by $1,200, and costs for energy, health care, as well as college education, have gone up $4,800.

The middle class is hurting and squeezing. The second economic program must put their needs at the heart of what we do, because today it is important to have universal access to savings, universal access to higher education, a middle class tax cut.

If you work, you have health care. We must build an energy policy that makes this a hybrid economy, an agenda that puts the middle class at the heart of its economic strategy. Unlike the last 7 years, we will make sure that what we are doing today is successful in the future, because we must strengthen the economy while we save and deal with the financial markets crisis on this short-term basis.

## FDIC INSURANCE RAISE

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

Mr. COHEN. Madam Speaker, I am pleased today that when the House considers the Economic Stabilization Act, it will contain an FDIC insurance raise. On the 22nd of September, I filed a bill to increase the FDIC insurance to $200,000 to protect our independent depositors and our community banks.

This is a very difficult vote, as it was on Monday, because there is medicine that's bitter that you don't want to take but that you need. Sir Edmund Burke, a great member of parliament in Britain in the 1700s, said a legislator has a duty to his constituents to listen to them, but also to vote in what he believes from what he learns is their best interest. A good legislator has to make that decision.

Years later, another great British philosopher, Mick Jagger said, ''Sometimes you get what you want, and sometimes you get what you need.''

This time, we are going to do what the American economy needs. It's difficult but correct.

## PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1424, EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1525 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1525

*Resolved,* That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for 90 minutes, 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 previous question shall be

considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. During consideration of the motion to concur pursuant to the first section of this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of such motion to such time as may be designated by the Speaker.

□ 0915

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1525.

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

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1525 provides for the consideration of the Senate amendments to the bill H.R. 1424, the Emergency Economic Stabilization Act of 2008. The rule will allow the House to concur in the Senate amendments to this bill and vote on the text of the bill that was adopted in the Senate.

Madam Speaker, today, this body meets under dire circumstances as our great Nation stands on the precipice of the most serious financial crisis since the Great Depression. Our stock market is fluctuating at an alarming rate, and our unemployment rate is soaring. Many of our financial institutions, some of which were deemed too big to fail, have failed or are close to collapse. Credit, even for the most creditworthy, is hard to come by. Our once robust and booming economy is on the brink of disaster, and that is why we have this bill before us today.

Like so many Americans, I have absolutely no interest in bailing out any fat cat executives on Wall Street. I stand firm in my belief and in solidarity with the American people when I say that corporate greed should never be rewarded, but the crisis we're facing today is much bigger than the corporate greed. It's bigger than Wall Street. It reaches beyond the Wall Street titans and directly into the lives of hardworking, middle class Americans.

Our savings—retirement savings, college savings for our children and investments in our future—are all at risk if this industry fails. The financial crisis threatens our ability to get a loan even if we have outstanding credit. The crisis threatens our jobs.

Without decisive action, most experts believe that our economic situation will only grow worse. Credit markets will freeze, and Main Street and all of America will suffer. Families living paycheck to paycheck will see their credit card limits slashed and their interest rates increased. Families won't be able to take out basic home and car loans, and employers may not be able to make their payrolls.

Take, for example, earlier this week when the body failed to pass a previous version of this rescue bill, and the country watched in horror as the Dow Jones plummeted more than 750 points. That dive, that single day in the stock market, cost our economy over $1 trillion, but when the stock market crashed, the majority of the $1 trillion that was lost did not belong to Wall Street giants. It came from the pensions of people who have retired or from people who have frugally worked for their entire lifetimes to save a few dollars for their families' futures.

It is for this reason that Congress must intervene. The bill before us is intended to rescue Main Street. By rescuing the financial institutions, we rescue the jobs, the savings and the ability to get a loan for each hardworking American. However, as we go ahead with this bill, we must be mindful of the road that led us to this crisis. After all, if we don't know what went wrong, how can we make sure it will not happen again in the future?

Like so many Americans, I am deeply disappointed by the Bush administration's reckless deregulation policies that wrecked our once booming economy. This President put incompetent people in charge of the Nation's most critical regulatory agencies. Transparency was lost. Business was allowed to regulate itself, and the total deregulation of the financial services industry ensued.

Securities and Exchange Commission Chairman Cox just recently noted ''voluntary regulation does not work.'' I'll say it doesn't. Looking back in history, we saw that, when deregulation occurred in the last century, it led to bread lines and to Hoovervilles.

President Franklin D. Roosevelt, well acquainted with the havoc wreaked by deregulation, said, ''We have always known that heedless self-interest was bad morals. We now know that it is bad economics as well.''

President Roosevelt led our Nation through that crisis by regulating the financial industry. However, deregulation proponents have removed FDR's regulations because, for them, big business comes first and knows everything.

That is why, when the administration handed Congress an ultimatum for a $700 billion blank check which lacked the very accountability and transparency that contributed to the problem, Democrat leaders said absolutely not. Over the past 2 weeks, we have insisted that the original rescue package proposed by President Bush and by Secretary Paulson be changed dramatically. As Democrat leaders negotiated plans to rescue the economy, we fought tooth and nail to make sure that any proposal included expanded oversight, transparency and an assurance that taxpayers will be reimbursed in full. That is what the proposal in front of us does today.

We have a three-part plan to reinvest, to reimburse and to reform. We will rescue the troubled credit and financial markets to stabilize and to reinvest in our economy, to insulate hardworking Americans, to reimburse the taxpayers for every dime, and to reform how business is done on Wall Street.

With this bill, we are standing up for all Americans by ensuring that there will be no help for Wall Street without help for Main Street. We are standing up for taxpayers by requiring strong, independent oversight, transparency and accountability for the money spent.

Even the General Accounting Office will be moving into the Treasury Department.

We are standing up for the working Americans by limiting excessive compensation for CEOs. We are standing up for homeowners, basically the crux of what happened here, by requiring the government to steer mortgages in danger of foreclosure to loan workout programs to prevent the foreclosures that are driving down home values all across the country. We are insuring more of the hard-earned money saved by families and by small businesses across America by upping the Federal protection of bank deposits from $100,000 to $250,000.

I am proud to say that three House committees will begin oversight hearings very shortly. In January, with a new Congress and with a new President, we will be ready to reinstate the regulations so cavalierly removed by an administration which believed that the financial industry could regulate itself, leading us to the dire consequences we face today.

Taxpayers should know that we push to ensure that the government receives shares of any company it provides with aid, and after agreeing to rescue AIG from filing for bankruptcy, the government received nearly an 80 percent share in the company. The action was reassuring enough to the market that people are now clamoring to buy AIG assets.

By making sure the government gets shares of companies we aid, we are working to revitalize this industry in a way that will benefit the taxpayers who are funding this rescue. By doing so, the New Direction Congress is standing up for swift action to ensure a more sound economic future for all Americans. We are absolutely committed to doing everything possible to ensure that America keeps working and that government is also working for America.

I reserve the balance of my time.

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

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

Mr. DREIER. I want to express my appreciation to my very good friend

from Rochester, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Madam Speaker, at this moment, we are beginning the debate on this very, very important package. For the second time this week, this body will consider a plan to unclog our banking system and to unfreeze our credit markets. The plan before us today is similar to the one that failed to pass on Monday but with two very important and key additions.

First, it allows the Federal Deposit Insurance Corporation to insure larger bank deposits, which is absolutely essential for protecting our Nation's small businesses. Second, it extends a number of critical tax credits and protections that will reduce burdens on middle-income Americans, that will increase the use of renewable and alternative energy and, very importantly, that will promote job creation and economic growth for businesses, large and small. These are significant improvements, Madam Speaker, that make this a better bill, but the bill isn't the only thing that has changed since Monday.

The economic landscape has shifted as well, or more accurately, the landscape has become clearer. Prior to Monday's vote, we had a 3-hour debate. We heard from a lot of Members with dire predictions if there were a failure to act. I was one of those who expressed a deep concern for the economic consequences if we could not enact an effective rescue package. This was reasoned speculation but speculation nonetheless.

Today, we can act on more than speculation, Madam Speaker. As Monday's vote went down, it took the Dow with it. Anyone who watched CNBC's coverage saw a direct juxtaposition. One half of the screen showed this House floor. The other half of the screen showed the floor of the New York Stock Exchange. With each new ''no'' vote, the Dow lost points, and greater panic spread throughout the trading floor.

By the end of the day, as we all know, the Dow dropped 770 points, or $1.2 trillion. Let me repeat that, Madam Speaker: There was more than $1.2 trillion lost on that day, and as we all know, that was the single largest point loss in the history of our Republic.

The next day, as hope was renewed that there would be a second bite at the apple, a rebound began. It wasn't a full recovery of Monday's losses, but significant ground was regained on the hope that this rescue bill would ultimately pass.

Now, I know that deep and pervasive skepticism of this package persists, and I understand that skepticism very well. I, myself, am very skeptical about this package. I held a telephone town-hall meeting Wednesday night, and a number of different points of view were expressed by my constituents. Those who oppose this bill explained their reasons very carefully, and I agree with every single word that they said. They said we should let the market sort itself out. They said that people must not be shielded from suffering the consequences of their own bad choices. They said that we should be considering alternative solutions based entirely on market principles. These are precisely my instincts as well, and I couldn't agree more, but I've ultimately concluded that this bill is a necessary evil.

Why can't we let the market sort itself out this time?

Because, Madam Speaker, the market didn't cause this mess. Let me say that again: While people say we should allow the marketplace to sort this situation out on its own, we should not do that because the marketplace did not create this mess. Government-sponsored enterprises like Fannie Mae and Freddie Mac made this mess possible. Government regulators failed to apply adequate oversight. Today, we are not experiencing market failure. Let me say that again, Madam Speaker: Today, we are not experiencing market failure. We are experiencing the inevitable failure of government attempts to manipulate the market. The Federal Government must now do its part to undo the damage and allow the market to operate freely once again.

Shouldn't we let people suffer for their own mistakes?

Yes, we should, starting with the Wall Street executives who exacerbated this problem. This bill bans golden parachutes for those who seek assistance, which is one of the things that consistently came forward from my constituents, but the problem with today's crisis is that responsible people who have followed the rules are suffering, too, not just those who behaved irresponsibly.

Madam Speaker, as you know very well, small businesses are losing their lines of credit. Families who have saved for a down payment for years are unable to get home loans.

□ 0930

Parents and students are finding it difficult to get loans for tuition. Those nearing retirement have seen their nest eggs evaporate as the stock market has fallen. Today's credit crunch is hurting businesses and individuals indiscriminately. It is bringing our engines of growth to a grinding halt and shutting hardworking Americans out of their dreams.

The Los Angeles Times, my hometown paper, yesterday chronicled this deepening crisis, declaring, and I quote, ''Credit Freeze Puts Business on Thin Ice.''

Madam Speaker, we know that our State of California is faced with very difficult circumstances as a State. We've heard that from our Governor. Small businesses all over California, as is the case in the rest of the country, are losing access to credit, getting forced into laying off workers and cutting operations. And they're looking for leadership from Congress. One business owner is quoted as saying, and I quote, ''Payrolls are getting harder to meet. Cash flow is extremely difficult. I'm getting the feeling that if we don't have a Federal deal, a lack of cash flow is going to bring everything to a halt.''

Now, Madam Speaker, today's bill is rightly called a rescue bill. But who are we rescuing?

Madam Speaker, as you know very well, we're not rescuing the fat cats. The fat cats can take care of themselves. Today we want to rescue the working Americans whose livelihoods are threatened by our current economic situation which, again, has been caused by bad government policy.

Finally, there is the question of why we must consider this particular bill and not alternatives. This is a very good question, Madam Speaker.

I've been a big proponent of having an open process that allows for other plans to be considered. And just last night, I've offered plans like the LaTourette plan and others at the Rules Committee for us to allow just that. But those amendments have been rejected by the Rules Committee and we have only this one bill before us. So our choice is very simple, pass this bill, or do nothing.

This is not a perfect bill. It is far from a perfect bill, far from it. But it is far better than the original Paulson plan. It includes strong bipartisan oversight, accountability, a ban on golden parachutes and a 100 percent guarantee that the taxpayers will earn back every penny of their investment. Those are critical protections that Republicans fought for and won for the American taxpayers.

This bill was improved further by the Senate, which added more protections and credits for taxpayers. We can accept this important but imperfect bill or, Madam Speaker, we can do nothing. We saw on Monday the consequences of doing nothing. Today we have a second chance.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another is under recognition.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Wall Street wants the $700 billion so bad they can taste it. To get it they need two things. First, you create panic; then you block alternatives, and then you herd the stampeding cattle toward passing a bad bill.

We are told that we must act in hours. The fact is, we have taken 2 weeks and we can take another week, not a week of trying to jam us with a bad bill, but a week of writing a good bill. As over hundreds of economists have told us, including three Nobel Laureates, we ask Congress not to rush, to hold appropriate hearings and to carefully consider the course of action.

What have they done to the bill?

They've added earmark pork to the bill that they think will finally get us to buy it.

Don't fall for it. If we're going to deal with this crisis, we need to deal with it with other alternatives. Defeating this bill today is not the last step, it's the first step in passing a good bill.

Mr. DREIER. Madam Speaker, I yield 3 minutes to my friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding. And I rise today at a crucial time in our Nation's history, to address one of the most critical decisions Congress has ever made.

Without question, these are challenging times for our country. Citizens everywhere recognize that our economy is in peril. Yet Americans are divided over the solution, and rightfully so. What we do here will have a lasting impact on our Nation now and for future generations, so we have an obligation, not just to get this done quickly, but to get it done right.

Honestly, Madam Speaker, I have struggled with and reflected upon this decision more than any other I have made as a Member of Congress. But today, I will be casting a ''no'' vote on this bill. I do so after long, thoughtful, prayerful consideration, and after hearing from constituents on both sides of the issue, those who vehemently oppose this bill, and those who resolutely fear the consequences of inaction.

I do believe this legislation will pass today because fortunately, Congress has resolved to do something in a bipartisan way to address this looming financial crisis that has hit Wall Street and will soon, if not already, hit Main Street. While this bill aims to be an answer to the problem, I'm not convinced that it is the best answer.

To those who support passage of this bill, I agree with you that something must be done. Inaction is not an option. But I also fear that this bill treats the symptoms without curing the disease that plagues our economy.

Conservative Republicans, led by Senator MCCAIN, have fought every step of the way for a meaningful solution that addresses the root of the problem and preserves our free-market principles. Because of their efforts, the economic rescue portion of this bill has been markedly improved since Secretary Paulson first made his request. But it does virtually nothing to assure that this will never occur again on our watch.

Madam Speaker, I hope and pray that what may be accomplished here today will ultimately work. But let's not lose sight of the fact that, no matter the outcome today, our work is not finished. Republicans and Democrats must come together and address the underlying causes of this economic turmoil. Wall Street and Washington, as well as individuals, must take responsibility for their actions. The American people demand accountability, and they deserve nothing less from us.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts and a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Madam Speaker, yesterday morning a woman in my district shouted at me, ''Tell all those guys on Wall Street to''—how should I put this?—''take a long walk off a short pier.''

I can appreciate how she feels, Madam Speaker. I kind of feel the same way. I would very much like someone to pay a price, or to at least assume some responsibility for this economic mess before we do anything else. But while that might be good therapy, it's not good economic policy.

Anger won't keep anybody in their house. Anger won't help anybody get a car loan or a student loan. Anger won't help small businesses get the credit they need to maintain inventory or pay their employees.

Madam Speaker, the bill before us is far from perfect. I wanted stronger bankruptcy protection language. I wanted the economic stimulus package included in this bill. I wanted tougher language on banning golden parachutes for CEOs, and I wanted firmer pay-back provisions so taxpayers don't get stuck paying for any of this.

And while some of the new tax provisions that the Senate added are good, most are not paid for, which troubles me very much, given the fact that we have the biggest debt in the history of our country.

But the way I see it, we don't have much of a choice. The bill will, hopefully, help stabilize our economy. I can't guarantee that it will work, but I do know that killing this package today would be a serious mistake. The credit markets would further tighten, and the people that I represent, even those who want me to vote ''no,'' would be hurt very badly.

It's hard to get anything done around here with a divided government. I'm hopeful that next year we can do some of the things that we are failing to do today. We need to enact a stimulus package that will invest in our infrastructure, schools and housing. We need health care for all. We need to revolutionize our energy system. We need to tackle hunger, poverty and homelessness.

But I have come to the conclusion that none of that, none of those priorities will be possible if the financial system of this country collapses. So I will vote ''yes,'' and I would urge my colleagues to do the same.

Finally, Madam Speaker, I want to pay tribute to my colleague from Massachusetts, BARNEY FRANK, who I think has done an incredible job for championing the causes and the voices of middle class Americans and those who are struggling in poverty. All of us are grateful for his leadership.

Mr. DREIER. Madam Speaker, at this time I'm happy to yield 2 minutes to the gentleman from Concord Township, Ohio who has been working very hard on this issue.

Mr. LATOURETTE. I thank the ranking member for yielding, and I actually moved to Bainbridge Township now, so nobody can find me.

Madam Speaker, this was a bad bill that we voted on Monday. It got a little better with some tax extenders, with the FDIC insurance, but it's gotten a lot worse, and it's gotten a lot worse because our friends on the other side of the Capitol just couldn't help themselves. They couldn't help themselves by larding this bill up with another $180 billion of tax giveaways.

As a matter of fact, Madam Speaker, I urge you to read yesterday's New York Times. There's a provision in here for $2 million for wooden arrows for children that apparently benefits a company in Oregon; and God bless any Oregonian that got it into the bill. And the CEO of the company says, we're waiting, and if we get it into the House bill and they pass it, we will be unpopping the champagne corks here, because this is a great deal for my company.

How am I going to tell the people back in Ohio that the champagne corks are popping in Oregon over a tax subsidy of $2 million for wooden arrows? $192 million for rum?

Madam Speaker, last night I took an amendment to the Rules Committee, and I asked one simple thing, to save half a trillion dollars, take the number down to $250 billion. I asked that the vote that when we come back, when the Secretary says he wants more money, make it a positive vote, not a negative vote that the President can veto, and I stripped the pork.

8 to 4 was the vote last night, Madam Speaker. Each of us represents about 600,000 people. 4.8 million people voted to deny 300 million people the vote.

There is not a rush. The Senate's in town. Let's do it right. We can save half a trillion dollars, and we can cut the pork. The pork doesn't belong in this bill. This is a financial rescue package.

We're being told that the economy is melting down. And the number, Madam Speaker, where did $700 billion come from?

The administration says we didn't have any data point. We just wanted to pick a really large number.

Come on. $700 billion—for NASCAR, rum, television and wooden arrows for children.

Vote ''no'' on this egregious rule and the bill.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the Chair of the Rules Committee for granting me the minute.

My colleagues, a vote to reject this bill is not a vote to do nothing. I will vote ''no'' on the rule and on the bill because I want to vote to do something that really works. My ''no'' vote will be a call to not reward speculators, but first to bring in the regulators to do their job.

We should be using the regulatory powers of the Federal Deposit Insurance Corporation and the accounting powers of the Security and Exchange Commission to unseize credit lines to our banks. That is at the heart of the problem that we are facing. Let's do that first.

I would urge the leadership of this House to put a sense of Congress resolution attached to this agreement that does exactly that. Let us do that first. Let's wait a week. Let's see what happens. Let's see if those actions defuse the tension in the credit markets.

We must craft an alternative that will also provide help to our home owners facing foreclosure now. How can we reward Wall Street, who made bad decisions, but yet allow millions of our people to be thrown out of their homes by the first of the year?

Let's work on a bill that doesn't reward bad behavior but corrects the real problems inside this marketplace.

Let's unleash the power of the Federal Deposit Insurance Corporation and the Securities and Exchange Commission to use their authorities to unseize credit flows and mark mortgages to the true economic value of the assets. This will not cost the taxpayers a cent. It will restore rigor to the markets and use the market, as was done in the 1970's and 1980's successfully, to resolve troubled banks suffering under the weight of real estate foreclosures.

Mr. DREIER. Madam Speaker, I'm happy to yield a minute to my very good friend from Alexander, Iowa, a very hardworking member of the Appropriations Committee, Mr. LATHAM.

Mr. LATHAM. I thank the ranking member, my good friend from California.

Ladies and gentlemen, last night Mr. LATOURETTE and myself went to the Rules Committee to ask that an amendment be made in order which would reduce the size of this bailout bill from $700 billion down to $250 billion, and then we would have the opportunity to come back to see if this thing is actually working and have a vote to actually affirm and spend more money if, in fact, this was working and this plan was right.

Now the Rules Committee denied that. And I think it's very unfortunate that the will of the House is not being heard today. We do not have the chance to vote on an amendment which I believe would pass overwhelmingly in this House of Representatives, because it will bring some accountability to the administration. It won't just write the check to the Secretary of the Treasury. And we can finally solve this problem and still have the accountability that people are looking for in Congress.

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I would just encourage everyone to vote down this rule so that we can have a fair chance at an amendment that makes real sense to everyone.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, today I rise with a heavy heart but in support of the rule. Our economy is not stable. Working families are suffering. Unemployment is over 10 percent in my own district. We have over 2,300 people who have lost their homes to foreclosure. Retirement and pension funds are losing value. Local government can't make decisions. Half of small business owners rely on mortgages for lines of credit and many small minority and women-owned businesses are suffering right now.

We have to have regulatory reform and oversight. We have to address this foreclosure crisis, and I believe that our leadership will do everything they can in their power to make sure that we make these Americans whole. We have to restore trust in our banking institutions and we have to cap CEO payouts. That's why I am now looking at supporting the rule and supporting the bill. I know it's hard for my constituents, but I think we have to do the right thing. This is what we were brought here in Congress to do today.

Mr. DREIER. Madam Speaker, I am happy to yield 1 minute to the gentleman from Ennis, Texas, the hardworking ranking Republican on the Energy and Commerce Committee, Mr. BARTON.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentleman.

Madam Speaker, I rise in opposition to the rule and in opposition to the underlying bill. The bill is trying to treat a symptom, not the disease. It's like you have a fire and instead of sending the fire truck to put the fire out, you develop a climate change model to cause it to rain everywhere so some of that rain may put the particular fire out that you're trying to put out.

The reason that our economy is in distress is because fundamentally we're becoming less competitive in international markets. If we want to do something to restore the value of the dollar, how about cutting spending here in the Congress? How about coming up with a tax program that encourages entrepreneurship in America? I could go on and on, Madam Speaker. We need to solve this problem, but we need to do it in a targeted way.

The underlying bill that has come back to us from the other body is basically the same bill we voted down Monday with some sweeteners to try to bribe enough Members to vote for it so that it will pass.

Vote no on the rule and no on the underlying bill.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Listening carefully to neighbors concerned about their retirement, home, or small business, when some in Washington repeatedly hit the panic button, I recognize the need for a swift response.

But when asked for $700 billion in taxpayers' dollars, almost overnight, we have a duty to secure a responsible plan. What President Bush is demanding in response to this subprime lending debacle that we reward Wall Street with what is essentially the biggest subprime loan in American history. We cannot afford to give almost unlimited discretion to one man to determine what toxic securities to buy and at what price, and we should not bail out the entire world.

I will not be stampeded into voting ''yes'' when President Bush employs his standard my-bill-or-no-bill approach. Today, we must draw the line so that tomorrow other irresponsible actors will not be in line asking for a handout.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another is under recognition.

Mr. DREIER. Madam Speaker, I am happy to yield 3 minutes to our very thoughtful colleague from Columbus, Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding.

Our Nation is confronted by a serious financial crisis. It's a crisis of confidence in our financial markets and a crisis of confidence in government. While many are anxious about how we will confront this crisis as I saw on the faces of my constituents this week, many more approach this moment with faith, not fear.

We will get through this. But we must do so in a manner consistent with the principles that make America great. The President and Congress were right to act with all deliberate speed and I am confident all my colleagues are motivated by the best interests of the Nation.

It must be said that Republican leaders and my colleagues in the House worked hard to improve this bill. We slowed the process down, removed outrageous subsidies that were to be added and managed to include an optional insurance plan. And because of the principled stand that Republicans took on this floor last Monday, the bank deposits of Americans are safer and the balance sheet of their local bank is more secure. But even with these important improvements, this legislation remains the largest corporate bailout in American history, forever changes the relationship between government and the financial sector and passes the cost along to the American people.

I did not come to Washington to expand the size and scope of government. I did not come to Washington to ask working Americans to subsidize the bad decisions of corporate America. Therefore, I cannot support the Emergency Economic Stabilization Act.

While this bill promises to bring near-term stability to our financial

turmoil, I ask my countrymen, at what price? The decision to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupts a basic truth of our economy. When the government chooses winners and losers in the marketplace, every American loses.

Some say this crisis is too acute to rely on antiquated notions about the role of government in the private sector, but I disagree. I believe the principles of limited government, free enterprise and representative government are as relevant today as they were in 1776.

In another October—1964—Ronald Reagan addressed another time for choosing. He said their choice was ''whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves.''

There are no easy answers, but the American people deserve to know there were alternatives. House Republicans offered an alternative that would have made Wall Street instead of Main Street pay the cost of this recovery and would have injected liquidity into our markets through fast-acting tax strategies.

Should this current legislation pass and our economy continue to struggle, I am hopeful Congress will turn to these proven remedies based on American ideals. Teddy Roosevelt said, ''An American must face life with resolute courage, win victory if he can and accept defeat if he must, without seeking to place on his fellow man a responsibility which is not theirs.''

With this bill we place upon the American public a responsibility which is not theirs: bailing out financial institutions after they made irresponsible business decisions. This we should not do. Instead we should confront this crisis with resolute courage, with faith in God and faith in the principles of freedom and free enterprise. I respectfully urge my colleagues to oppose the Emergency Economic Stabilization Act of 2008.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I sincerely thank the gentlelady.

According to the Akron Beacon Journal, Addie Polk took out a 30-year, 6.375 percent mortgage just 4 years ago for $45,620 with a Countrywide home loan office. She took out a line of credit that same day for $11,380. Her home was appraised in 2004 at $31,230. At the age of 90, Addie Polk found herself in foreclosure this week, about to be forced from the home she has lived in for nearly 40 years. So with a gun in her hand, the Akron widow apparently shot herself in the chest as deputies were knocking on her door with eviction papers in hand. This bill does nothing for the Addie Polks of the world. This bill fails to address the fact that millions of homeowners are facing foreclosure, are facing the loss of their home. This bill will take care of Wall Street and the market may go up for a few days, but democracy is going down here.

Mr. DREIER. Madam Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 11½ remaining; the gentlewoman from New York has 15½ minutes remaining.

Mr. DREIER. Madam Speaker, I will reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentlewoman from New York for yielding me time and I rise today in support of the rule and the underlying legislation.

I listened to my constituents' concerns about this rescue plan and throughout this debate it has become clear that Congress must act to restore our credit markets. If we don't, we risk further putting jobs and the financial security of hardworking Americans at risk. Small businesses will have a difficult time making payroll to pay their employees. Hardworking Americans will see their savings and retirement funds diminish. Americans will have a difficult time buying a home, sending their children to college or just making ends meet. This plan is a revised plan. It's not the same three-page plan the Secretary of the Treasury brought to us. It is not simply a blank check to Wall Street.

I am glad that this plan includes many safeguards that are important to my constituents:

Independent oversight board to ensure transparency and accountability of taxpayer money.

A plan to help foreclosures that are devastating our families, neighbors and communities. And we will also do more beyond this, too. Limits on excessive compensation for CEOs and executives. And allowing taxpayers to share in any profits resulting from the government's help.

Madam Speaker, this is not a perfect plan and I know it's going to be a hard vote, but the risk of inaction is too great.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Speaker, I rise today in support of the rule and the underlying bill. I would like to just put three faces if I could on this piece of legislation. One is a woman who worked at a grocery store in my district for 34 years. Her 401(k) has gone down $120,000 because of this crisis. The other is a man who came into my district office, the victim of a predatory lender, a 20 percent interest rate. He will be losing his home very shortly. And lastly, the face of a freshman Member of Congress.

When I was growing up, my parents lost their home. On the day my oldest sister was married, we came home from the reception to find a process server with an eviction notice for my family because my father had been too ill to make the payments. Prior to his death, he asked me to do two things—take care of the girls and your mother and, whatever you do, make sure that no other family ever has to go through what this family has gone through.

Today, Madam Speaker, I will keep that promise to my father and to the 2 million other people who are about to be in foreclosure. I ask all my colleagues to please vote for this important piece of legislation.

Mr. DREIER. Madam Speaker, I will continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Horrible unemployment numbers today, and not a penny of this $700 billion is going to do anything to put anybody back to work, to keep anybody in their home, to put underpinnings on the crumbling values of housing in this country. No, it will give unprecedented, unbelievable authority to Henry Paulson, a Wall Street speculator who created the financial weapons of mass destruction and now says he knows how to disarm them. He can buy any asset he deems appropriate from anybody at any price.

I heard a much more sensible plan from William Isaac, head of the FDIC under the Reagan administration. Declare a banking emergency. Use the same insurance provisions they used for the Wachovia general creditors. Insure all general creditors and depositors in all banks in America. That would free up the lending, we would save $700 billion, and then we could begin to invest that money in putting America back to work.

Mr. DREIER. I will continue to reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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Ms. JACKSON-LEE of Texas. I thank the gentlelady for yielding.

We are here to do the people's business. That business must be done in the context of the Constitution. And so I will support this rule, but I will raise a number of questions dealing with the constitutional protections of Americans, the restraining of the power of the Secretary of the Treasury, the understanding of this body being called back to be able to immediately respond if the irresponsible actions of this administration continue with the monies that may be given through the passing of this bill.

I tried to put more structure into the bill by giving $10 billion in amendments, $10 billion just for mortgages

for people who want to restructure. We talked about bankruptcy language that should have been put in that I offered; we talked about making it stronger and how you restructure the mortgages, rather than encourage them to restructure the mortgage, requiring them to do it. I had language that would address the question of making sure the courts were stronger, that courts had the ability to render equitable or injunctive relief. I also had an amendment to give us a 9/11-type commission, criminal liability. We tried to make the bill better, but we are going to work through this process.

I am going to watch this process, and determine whether or not we can do the people's business. That is what I think is important.

Madam Speaker, thank you for the opportunity to speak before you today on H. Res. 1525, providing for consideration of the rule on the Emergency Economic Stabilization Act of 2008. I want to begin by stating that I worked very hard. I worked hard to make this bill better. I will be listening intently to the debate throughout the day to establish the perspective and the legislative history we need for my constituents, the State of Texas, and for all of America.

I offered several amendments to make the Act better.

The first amendment that I would like to offer sets aside $10 billion as a firm allotment to address the question of individual American homeowners facing foreclosure in light of the absence of a bankruptcy provision in the bill. I believe that the amount in reality should be higher; however, $10 billion is a good starting point.

This provision is important because the American people that are currently in mortgage foreclosure are facing a real and present crisis. Indeed, these are tough economic times. This money can be given to them by the Secretary of Treasury. This is a modest attempt at addressing the present crisis and it ensures that those on Main Street get the relief that they long deserve.

The second amendment that I would like to offer permits bankruptcy judges to allow persons in default of their mortgage on their primary residence to alter the terms of their mortgage. As Senator BARACK OBAMA has recently stated, he is committed to altering the Bankruptcy Code in the future to assist homeowners on the question of restructuring their mortgages. Therefore, I believe that there should Sense of Congress language that provides that the Bankruptcy Code should be reviewed and amended in the future to permit bankruptcy judges to address the question of individual home mortgages. This would send a clear message that Congress is interested in helping Americans pay off their debt despite its not changing the Bankruptcy Code at this time.

The third amendment that I would like to offer makes an addition to Section 109 of the bill, which addresses "foreclosure mitigation efforts." The present language of 109 provides that the Secretary of the Treasury should be encouraged to allow individual homeowners who face mortgage foreclosure to modify the homeowners' loans to prevent mortgage foreclosure. My amendment would change the words from "shall encourage" to "shall require" to provide stronger relief for Americans.

In listening to the discussions that have been coming out of the mouths of voters across America, there is confusion as to what the monies will be used for. It would be very helpful in the legislative history or report language to designate how the monies will be utilized.

My fourth amendment addresses enforcement. There needs to be greater enforcement. In the section on judicial review there should be language that specifically provides that "the courts should be able to exercise their discretion to grant injunctive and/or equitable relief if the court determines that such relief would not destabilize financial markets." These are remedies available at law and in equity that inure to the litigants benefit. There has been no compelling reason put forth to vitiate or limit these remedies insofar as their implementation does not unduly affect or destabilize the financial markets.

My fifth amendment would create a new independent, commission to exercise oversight over what happened and the commission should regularly provide reports to Congress. This Commission unlike the one presently in the bill would be backward looking.

My sixth amendment would provide for narrowly crafted enforcement language. It provides that corporate executives who have been convicted of criminal malfeasance in the financial sector would be barred from conducting financial business with the government for a period of seven (7) years.

This is important because those corporate executives who have been convicted of criminal wrongdoing should not be allowed to continue in conducting business with the government. They should be barred for a period to attenuate the taint of their wrongdoing.

My seventh, amendment would permanently lift the present insurance cap of $100,000 that FDIC has established to insure funds stored in FDIC-backed banking institutions. This is different from the Senate bill because it makes the increase to $250,000 permanent.

My eighth, and final, amendment concerns Section 109 of the bill. Specifically, in Section 109, which addresses "foreclosure mitigation efforts," the language should be changed from "shall encourage" to "shall require" to provide stronger relief for Americans.

Specifically, current section 109(a) states in pertinent part that "the Secretary shall implement a plan that seeks to maximize assistance for homeowners and use the authority of the Secretary to encourage the servicers of the underlying mortgages . . . to minimize foreclosures." I believe if the true intent is to bailout "Main Street," the Secretary should be "required" to minimize foreclosures.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague from New York, LOUISE SLAUGHTER, for the time, Madam Speaker.

I am listening to all my colleagues and their arguments on both sides. This is not about Wall Street anymore; this is about my constituents. This is about the small stores on Main Street in every town that I represent. This is about the people that have put away money, small amounts of money every single month to try to have a pension. This is about stopping the bleeding that is going through this economy. This is about taking care of our people.

No one wants to be here to make this vote. But do you know what: Everything that has been mentioned here today on the floor, we can still take care of that. We can still do that. We are going to make sure that those CEOs don't get those large golden parachutes. We are going to make sure that those people who are going through foreclosures are going to be protected. These are the things we are going to be working on.

Today is not the end of all days. Today is the beginning of getting legislation passed so that we can protect the American people even more, so this does not happen again.

My colleagues, none of us like to have this vote today. None of us. It is our job to protect our people.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to my friend from Ohio, in his newly established home in Bainbridge, Ohio.

Mr. LATOURETTE. I thank the gentleman for yielding. Madam Speaker, I can't address other Members, so I am going to make these comments to you.

I have heard a number of speakers on the other side say they wish they could have had other things, like the cram-down on the bankruptcy, money for ACORN and a lot of other things. The only way you are ever going to have that opportunity is to make our amendment in order and turn the negative vote in November into a positive vote. And any Member that thinks that if you vote for 700 and you go home and say, well, we really only gave them 350; no, you didn't. You gave them the full 700, because we have to say no to the additional 350. And if we say no, the President vetoes it, then it takes 290 Members to deny that $350 billion.

To the Democrats, Madam Speaker, I would say to you that make our amendment in order, come back on November 17, see how this program is working. And there is your opportunity, there is your leverage to go to your friends that want cram-down in bankruptcy and all the other things that their speakers are talking about. Give us the amendment; stop this overspending. The Secretary says he can only spend $50 billion a month. If we give him $250 billion, he still should have about $200 billion rolling around in his pocket when we come back.

Ms. SLAUGHTER. Madam Speaker, may I inquire of my colleague if he has further speakers?

Mr. DREIER. Has the gentlewoman completed with her side?

Ms. SLAUGHTER. I have.

Mr. DREIER. Then I will just take a couple of minutes to close if I might.

The SPEAKER pro tempore. The gentleman from California has 10 minutes remaining.

Mr. DREIER. I yield myself the balance of my time.

Madam Speaker, we are obviously dealing with a very, very serious and challenging issue here. The American people are hurting, and they are looking to us for leadership.

I strongly support the statement that was just outlined by my friend, Mr. LATOURETTE, the gentleman from Ohio. And we sought to make his amendment in order in the Rules Committee last night; unfortunately, it wasn't made possible.

We are faced with a clear choice: either deal with the situation that we have, the bill that is before us, or do nothing at this juncture.

So, Madam Speaker, I am voting ''no.'' I am voting ''no'' to a bailout for Wall Street. I am voting ''no'' to golden parachutes for those bums who have gotten us into this situation. I am voting ''no'' to a blank check for Secretary Paulson. I am voting ''no'' to taxpayer funding for ACORN. I am voting ''no'' to allowing judges to reduce the value of our homes. I am voting ''no'' to mandating union leaders to serve on boards of private businesses. I am voting ''no'' to government manipulation of the housing market.

Madam Speaker, I am voting ''yes'' to unclog our banking system. I am voting ''yes'' to increase protection for family and small business savings. I am voting ''yes'' to ensure that sons and daughters can have access to student loans so that they can get a college education. And I am voting ''yes'' to guaranteeing that taxpayer dollars are in fact going to be repaid and made whole. And, I am voting ''yes'' not to 1930s type of regulation; I am voting ''yes'' to 21st century regulation and oversight.

I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, we have found ourselves again at a junction where we have found ourselves many times in these last few years, at the mercy of the Senate. We have the bill that they passed; and, unfortunately, if we were to open it again, we would probably be here for another 2 years trying to do this bill, because I think both sides have many issues that they would have preferred to see here. But nonetheless, we understand the emergency that we are under, what it is that we have to do.

I take great comfort and want to say again that three of the major committees having oversight over financial services will begin very shortly to have hearings not only to determine why we are in this position, but what we can best do in January in the new session to remedy it and make sure that it never happens again.

We are expecting very quick action from those three committees. We wish them well. And we want the Nation to know that we are not just leaving town and letting that go, but we will be working on this throughout the rest of this time.

With that, I want to urge a ''yes'' vote on the previous question.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 190, not voting 8, as follows:

[Roll No. 679]

YEAS—235

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

NAYS—190

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hirono
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
Kind
King (IA)
Kingston
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
Gilchrest
Langevin
Moran (VA)
Musgrave
Oberstar
Tancredo
Thompson (MS)

□ 1025

Messrs. SMITH of Nebraska, LYNCH, SHADEGG, BONNER, EHLERS and DONNELLY changed their vote from ''yea'' to ''nay.''

Messrs. McCRERY, LEWIS of California, JACKSON of Illinois, SPRATT, CLAY, HILL of Indiana, DOYLE, SALAZAR, Ms. PRYCE of Ohio, and Mrs. WILSON of New Mexico changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Madam Speaker, on October 3, 2008, I was unavoidably detained and unable to be in the Chamber for a rollcall vote. Had I been present, I would have voted "yea" on rollcall No. 679, Ordering the Previous Question on H. Res. 1525.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 205, not voting 5, as follows:

[Roll No. 680]

YEAS—223

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

NAYS—205

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hirono
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
Kind
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stark
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Cubin
Gilchrest
Obey
Tancredo
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

□ 1034

Ms. GRANGER changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EXTENDING THE ANDEAN TRADE PREFERENCE ACT

Mr. LEVIN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7222) to extend the Andean Trade Preference Act, and for other purposes, 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. 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)''.

Mr. LEVIN (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed by the House.

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

There was no objection.

## EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to House Resolution 1525, I call up from the Speaker's table 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, and 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 offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will report the title of the bill, designate the Senate amendments, and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Strike all after the enacting clause and insert the following:

***DIVISION A—EMERGENCY ECONOMIC STABILIZATION***

***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This division may be cited as the ''Emergency Economic Stabilization Act of 2008''.*

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

*Sec. 1. Short title and table of contents.*
*Sec. 2. Purposes.*
*Sec. 3. Definitions.*

*TITLE I—TROUBLED ASSETS RELIEF PROGRAM*

*Sec. 101. Purchases of troubled assets.*
*Sec. 102. Insurance of troubled assets.*
*Sec. 103. Considerations.*
*Sec. 104. Financial Stability Oversight Board.*
*Sec. 105. Reports.*
*Sec. 106. Rights; management; sale of troubled assets; revenues and sale proceeds.*
*Sec. 107. Contracting procedures.*
*Sec. 108. Conflicts of interest.*
*Sec. 109. Foreclosure mitigation efforts.*
*Sec. 110. Assistance to homeowners.*
*Sec. 111. Executive compensation and corporate governance.*
*Sec. 112. Coordination with foreign authorities and central banks.*
*Sec. 113. Minimization of long-term costs and maximization of benefits for taxpayers.*
*Sec. 114. Market transparency.*
*Sec. 115. Graduated authorization to purchase.*
*Sec. 116. Oversight and audits.*
*Sec. 117. Study and report on margin authority.*
*Sec. 118. Funding.*
*Sec. 119. Judicial review and related matters.*
*Sec. 120. Termination of authority.*
*Sec. 121. Special Inspector General for the Troubled Asset Relief Program.*
*Sec. 122. Increase in statutory limit on the public debt.*
*Sec. 123. Credit reform.*
*Sec. 124. HOPE for Homeowners amendments.*
*Sec. 125. Congressional Oversight Panel.*
*Sec. 126. FDIC authority.*
*Sec. 127. Cooperation with the FBI.*
*Sec. 128. Acceleration of effective date.*
*Sec. 129. Disclosures on exercise of loan authority.*
*Sec. 130. Technical corrections.*
*Sec. 131. Exchange Stabilization Fund reimbursement.*
*Sec. 132. Authority to suspend mark-to-market accounting.*
*Sec. 133. Study on mark-to-market accounting.*
*Sec. 134. Recoupment.*
*Sec. 135. Preservation of authority.*
*Sec. 136. Temporary increase in deposit and share insurance coverage.*

*TITLE II—BUDGET-RELATED PROVISIONS*

*Sec. 201. Information for congressional support agencies.*
*Sec. 202. Reports by the Office of Management and Budget and the Congressional Budget Office.*
*Sec. 203. Analysis in President's Budget.*
*Sec. 204. Emergency treatment.*

*TITLE III—TAX PROVISIONS*

*Sec. 301. Gain or loss from sale or exchange of certain preferred stock.*
*Sec. 302. Special rules for tax treatment of executive compensation of employers participating in the troubled assets relief program.*
*Sec. 303. Extension of exclusion of income from discharge of qualified principal residence indebtedness.*

***SEC. 2. PURPOSES.***

*The purposes of this Act are—*

*(1) to immediately provide authority and facilities that the Secretary of the Treasury can use to restore liquidity and stability to the financial system of the United States; and*

*(2) to ensure that such authority and such facilities are used in a manner that—*

*(A) protects home values, college funds, retirement accounts, and life savings;*

*(B) preserves homeownership and promotes jobs and economic growth;*

*(C) maximizes overall returns to the taxpayers of the United States; and*

*(D) provides public accountability for the exercise of such authority.*

***SEC. 3. DEFINITIONS.***

*For purposes of this Act, the following definitions shall apply:*

*(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—*

*(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and*

*(B) the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.*

*(2) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.*

*(3) CONGRESSIONAL SUPPORT AGENCIES.—The term ''congressional support agencies'' means the Congressional Budget Office and the Joint Committee on Taxation.*

*(4) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.*

*(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any institution, including, but not limited to, any bank, savings association, credit union, security broker or dealer,*

*or insurance company, established and regulated under the laws of the United States or any State, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Commonwealth of Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands, and having significant operations in the United States, but excluding any central bank of, or institution owned by, a foreign government.*

*(6) FUND.—The term ''Fund'' means the Troubled Assets Insurance Financing Fund established under section 102.*

*(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.*

*(8) TARP.—The term ''TARP'' means the Troubled Asset Relief Program established under section 101.*

*(9) TROUBLED ASSETS.—The term ''troubled assets'' means—*

*(A) residential or commercial mortgages and any securities, obligations, or other instruments that are based on or related to such mortgages, that in each case was originated or issued on or before March 14, 2008, the purchase of which the Secretary determines promotes financial market stability; and*

*(B) any other financial instrument that the Secretary, after consultation with the Chairman of the Board of Governors of the Federal Reserve System, determines the purchase of which is necessary to promote financial market stability, but only upon transmittal of such determination, in writing, to the appropriate committees of Congress.*

## *TITLE I—TROUBLED ASSETS RELIEF PROGRAM*

### *SEC. 101. PURCHASES OF TROUBLED ASSETS.*

*(a) OFFICES; AUTHORITY.—*

*(1) AUTHORITY.—The Secretary is authorized to establish the Troubled Asset Relief Program (or ''TARP'') to purchase, and to make and fund commitments to purchase, troubled assets from any financial institution, on such terms and conditions as are determined by the Secretary, and in accordance with this Act and the policies and procedures developed and published by the Secretary.*

*(2) COMMENCEMENT OF PROGRAM.—Establishment of the policies and procedures and other similar administrative requirements imposed on the Secretary by this Act are not intended to delay the commencement of the TARP.*

*(3) ESTABLISHMENT OF TREASURY OFFICE.—*

*(A) IN GENERAL.—The Secretary shall implement any program under paragraph (1) through an Office of Financial Stability, established for such purpose within the Office of Domestic Finance of the Department of the Treasury, which office shall be headed by an Assistant Secretary of the Treasury, appointed by the President, by and with the advice and consent of the Senate, except that an interim Assistant Secretary may be appointed by the Secretary.*

*(B) CLERICAL AMENDMENTS.—*

*(i) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of the Treasury, by striking ''(9)'' and inserting ''(10)''.*

*(ii) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking ''9'' and inserting ''10''.*

*(b) CONSULTATION.—In exercising the authority under this section, the Secretary shall consult with the Board, the Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairman of the National Credit Union Administration Board, and the Secretary of Housing and Urban Development.*

*(c) NECESSARY ACTIONS.—The Secretary is authorized to take such actions as the Secretary deems necessary to carry out the authorities in this Act, including, without limitation, the following:*

*(1) The Secretary shall have direct hiring authority with respect to the appointment of employees to administer this Act.*

*(2) Entering into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.*

*(3) Designating financial institutions as financial agents of the Federal Government, and such institutions shall perform all such reasonable duties related to this Act as financial agents of the Federal Government as may be required.*

*(4) In order to provide the Secretary with the flexibility to manage troubled assets in a manner designed to minimize cost to the taxpayers, establishing vehicles that are authorized, subject to supervision by the Secretary, to purchase, hold, and sell troubled assets and issue obligations.*

*(5) Issuing such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this Act.*

*(d) PROGRAM GUIDELINES.—Before the earlier of the end of the 2-business-day period beginning on the date of the first purchase of troubled assets pursuant to the authority under this section or the end of the 45-day period beginning on the date of enactment of this Act, the Secretary shall publish program guidelines, including the following:*

*(1) Mechanisms for purchasing troubled assets.*

*(2) Methods for pricing and valuing troubled assets.*

*(3) Procedures for selecting asset managers.*

*(4) Criteria for identifying troubled assets for purchase.*

*(e) PREVENTING UNJUST ENRICHMENT.—In making purchases under the authority of this Act, the Secretary shall take such steps as may be necessary to prevent unjust enrichment of financial institutions participating in a program established under this section, including by preventing the sale of a troubled asset to the Secretary at a higher price than what the seller paid to purchase the asset. This subsection does not apply to troubled assets acquired in a merger or acquisition, or a purchase of assets from a financial institution in conservatorship or receivership, or that has initiated bankruptcy proceedings under title 11, United States Code.*

### *SEC. 102. INSURANCE OF TROUBLED ASSETS.*

*(a) AUTHORITY.—*

*(1) IN GENERAL.—If the Secretary establishes the program authorized under section 101, then the Secretary shall establish a program to guarantee troubled assets originated or issued prior to March 14, 2008, including mortgage-backed securities.*

*(2) GUARANTEES.—In establishing any program under this subsection, the Secretary may develop guarantees of troubled assets and the associated premiums for such guarantees. Such guarantees and premiums may be determined by category or class of the troubled assets to be guaranteed.*

*(3) EXTENT OF GUARANTEE.—Upon request of a financial institution, the Secretary may guarantee the timely payment of principal of, and interest on, troubled assets in amounts not to exceed 100 percent of such payments. Such guarantee may be on such terms and conditions as are determined by the Secretary, provided that such terms and conditions are consistent with the purposes of this Act.*

*(b) REPORTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the appropriate committees of Congress on the program established under subsection (a).*

*(c) PREMIUMS.—*

*(1) IN GENERAL.—The Secretary shall collect premiums from any financial institution participating in the program established under subsection (a). Such premiums shall be in an amount that the Secretary determines necessary to meet the purposes of this Act and to provide sufficient reserves pursuant to paragraph (3).*

*(2) AUTHORITY TO BASE PREMIUMS ON PRODUCT RISK.—In establishing any premium under paragraph (1), the Secretary may provide for variations in such rates according to the credit risk associated with the particular troubled asset that is being guaranteed. The Secretary shall publish the methodology for setting the premium for a class of troubled assets together with an explanation of the appropriateness of the class of assets for participation in the program established under this section. The methodology shall ensure that the premium is consistent with paragraph (3).*

*(3) MINIMUM LEVEL.—The premiums referred to in paragraph (1) shall be set by the Secretary at a level necessary to create reserves sufficient to meet anticipated claims, based on an actuarial analysis, and to ensure that taxpayers are fully protected.*

*(4) ADJUSTMENT TO PURCHASE AUTHORITY.—The purchase authority limit in section 115 shall be reduced by an amount equal to the difference between the total of the outstanding guaranteed obligations and the balance in the Troubled Assets Insurance Financing Fund.*

*(d) TROUBLED ASSETS INSURANCE FINANCING FUND.—*

*(1) DEPOSITS.—The Secretary shall deposit fees collected under this section into the Fund established under paragraph (2).*

*(2) ESTABLISHMENT.—There is established a Troubled Assets Insurance Financing Fund that shall consist of the amounts collected pursuant to paragraph (1), and any balance in such fund shall be invested by the Secretary in United States Treasury securities, or kept in cash on hand or on deposit, as necessary.*

*(3) PAYMENTS FROM FUND.—The Secretary shall make payments from amounts deposited in the Fund to fulfill obligations of the guarantees provided to financial institutions under subsection (a).*

### *SEC. 103. CONSIDERATIONS.*

*In exercising the authorities granted in this Act, the Secretary shall take into consideration—*

*(1) protecting the interests of taxpayers by maximizing overall returns and minimizing the impact on the national debt;*

*(2) providing stability and preventing disruption to financial markets in order to limit the impact on the economy and protect American jobs, savings, and retirement security;*

*(3) the need to help families keep their homes and to stabilize communities;*

*(4) in determining whether to engage in a direct purchase from an individual financial institution, the long-term viability of the financial institution in determining whether the purchase represents the most efficient use of funds under this Act;*

*(5) ensuring that all financial institutions are eligible to participate in the program, without discrimination based on size, geography, form of organization, or the size, type, and number of assets eligible for purchase under this Act;*

*(6) providing financial assistance to financial institutions, including those serving low- and moderate-income populations and other underserved communities, and that have assets less than $1,000,000,000, that were well or adequately capitalized as of June 30, 2008, and that as a result of the devaluation of the preferred government-sponsored enterprises stock will drop one or more capital levels, in a manner sufficient to restore the financial institutions to at least an adequately capitalized level;*

*(7) the need to ensure stability for United States public instrumentalities, such as counties and cities, that may have suffered significant increased costs or losses in the current market turmoil;*

*(8) protecting the retirement security of Americans by purchasing troubled assets held by or on behalf of an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B) of the Internal Revenue Code of 1986, except that such authority shall not extend to any compensation arrangements subject to section 409A of such Code; and*

*(9) the utility of purchasing other real estate owned and instruments backed by mortgages on multifamily properties.*

***SEC. 104. FINANCIAL STABILITY OVERSIGHT BOARD.***

*(a) ESTABLISHMENT.—There is established the Financial Stability Oversight Board, which shall be responsible for—*

*(1) reviewing the exercise of authority under a program developed in accordance with this Act, including—*

*(A) policies implemented by the Secretary and the Office of Financial Stability created under sections 101 and 102, including the appointment of financial agents, the designation of asset classes to be purchased, and plans for the structure of vehicles used to purchase troubled assets; and*

*(B) the effect of such actions in assisting American families in preserving home ownership, stabilizing financial markets, and protecting taxpayers;*

*(2) making recommendations, as appropriate, to the Secretary regarding use of the authority under this Act; and*

*(3) reporting any suspected fraud, misrepresentation, or malfeasance to the Special Inspector General for the Troubled Assets Relief Program or the Attorney General of the United States, consistent with section 535(b) of title 28, United States Code.*

*(b) MEMBERSHIP.—The Financial Stability Oversight Board shall be comprised of—*

*(1) the Chairman of the Board of Governors of the Federal Reserve System;*

*(2) the Secretary;*

*(3) the Director of the Federal Housing Finance Agency;*

*(4) the Chairman of the Securities Exchange Commission; and*

*(5) the Secretary of Housing and Urban Development.*

*(c) CHAIRPERSON.—The chairperson of the Financial Stability Oversight Board shall be elected by the members of the Board from among the members other than the Secretary.*

*(d) MEETINGS.—The Financial Stability Oversight Board shall meet 2 weeks after the first exercise of the purchase authority of the Secretary under this Act, and monthly thereafter.*

*(e) ADDITIONAL AUTHORITIES.—In addition to the responsibilities described in subsection (a), the Financial Stability Oversight Board shall have the authority to ensure that the policies implemented by the Secretary are—*

*(1) in accordance with the purposes of this Act;*

*(2) in the economic interests of the United States; and*

*(3) consistent with protecting taxpayers, in accordance with section 113(a).*

*(f) CREDIT REVIEW COMMITTEE.—The Financial Stability Oversight Board may appoint a credit review committee for the purpose of evaluating the exercise of the purchase authority provided under this Act and the assets acquired through the exercise of such authority, as the Financial Stability Oversight Board determines appropriate.*

*(g) REPORTS.—The Financial Stability Oversight Board shall report to the appropriate committees of Congress and the Congressional Oversight Panel established under section 125, not less frequently than quarterly, on the matters described under subsection (a)(1).*

*(h) TERMINATION.—The Financial Stability Oversight Board, and its authority under this section, shall terminate on the expiration of the 15-day period beginning upon the later of—*

*(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or*

*(2) the date of expiration of the last insurance contract issued under section 102.*

***SEC. 105. REPORTS.***

*(a) IN GENERAL.—Before the expiration of the 60-day period beginning on the date of the first exercise of the authority granted in section 101(a), or of the first exercise of the authority granted in section 102, whichever occurs first, and every 30-day period thereafter, the Secretary shall report to the appropriate committees of Congress, with respect to each such period—*

*(1) an overview of actions taken by the Secretary, including the considerations required by section 103 and the efforts under section 109;*

*(2) the actual obligation and expenditure of the funds provided for administrative expenses by section 118 during such period and the expected expenditure of such funds in the subsequent period; and*

*(3) a detailed financial statement with respect to the exercise of authority under this Act, including—*

*(A) all agreements made or renewed;*

*(B) all insurance contracts entered into pursuant to section 102;*

*(C) all transactions occurring during such period, including the types of parties involved;*

*(D) the nature of the assets purchased;*

*(E) all projected costs and liabilities;*

*(F) operating expenses, including compensation for financial agents;*

*(G) the valuation or pricing method used for each transaction; and*

*(H) a description of the vehicles established to exercise such authority.*

*(b) TRANCHE REPORTS TO CONGRESS.—*

*(1) REPORTS.—The Secretary shall provide to the appropriate committees of Congress, at the times specified in paragraph (2), a written report, including—*

*(A) a description of all of the transactions made during the reporting period;*

*(B) a description of the pricing mechanism for the transactions;*

*(C) a justification of the price paid for and other financial terms associated with the transactions;*

*(D) a description of the impact of the exercise of such authority on the financial system, supported, to the extent possible, by specific data;*

*(E) a description of challenges that remain in the financial system, including any benchmarks yet to be achieved; and*

*(F) an estimate of additional actions under the authority provided under this Act that may be necessary to address such challenges.*

*(2) TIMING.—The report required by this subsection shall be submitted not later than 7 days after the date on which commitments to purchase troubled assets under the authorities provided in this Act first reach an aggregate of $50,000,000,000 and not later than 7 days after each $50,000,000,000 interval of such commitments is reached thereafter.*

*(c) REGULATORY MODERNIZATION REPORT.—The Secretary shall review the current state of the financial markets and the regulatory system and submit a written report to the appropriate committees of Congress not later than April 30, 2009, analyzing the current state of the regulatory system and its effectiveness at overseeing the participants in the financial markets, including the over-the-counter swaps market and government-sponsored enterprises, and providing recommendations for improvement, including—*

*(1) recommendations regarding—*

*(A) whether any participants in the financial markets that are currently outside the regulatory system should become subject to the regulatory system; and*

*(B) enhancement of the clearing and settlement of over-the-counter swaps; and*

*(2) the rationale underlying such recommendations.*

*(d) SHARING OF INFORMATION.—Any report required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.*

*(e) SUNSET.—The reporting requirements under this section shall terminate on the later of—*

*(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or*

*(2) the date of expiration of the last insurance contract issued under section 102.*

***SEC. 106. RIGHTS; MANAGEMENT; SALE OF TROUBLED ASSETS; REVENUES AND SALE PROCEEDS.***

*(a) EXERCISE OF RIGHTS.—The Secretary may, at any time, exercise any rights received in connection with troubled assets purchased under this Act.*

*(b) MANAGEMENT OF TROUBLED ASSETS.—The Secretary shall have authority to manage troubled assets purchased under this Act, including revenues and portfolio risks therefrom.*

*(c) SALE OF TROUBLED ASSETS.—The Secretary may, at any time, upon terms and conditions and at a price determined by the Secretary, sell, or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any troubled asset purchased under this Act.*

*(d) TRANSFER TO TREASURY.—Revenues of, and proceeds from the sale of troubled assets purchased under this Act, or from the sale, exercise, or surrender of warrants or senior debt instruments acquired under section 113 shall be paid into the general fund of the Treasury for reduction of the public debt.*

*(e) APPLICATION OF SUNSET TO TROUBLED ASSETS.—The authority of the Secretary to hold any troubled asset purchased under this Act before the termination date in section 120, or to purchase or fund the purchase of a troubled asset under a commitment entered into before the termination date in section 120, is not subject to the provisions of section 120.*

***SEC. 107. CONTRACTING PROCEDURES.***

*(a) STREAMLINED PROCESS.—For purposes of this Act, the Secretary may waive specific provisions of the Federal Acquisition Regulation upon a determination that urgent and compelling circumstances make compliance with such provisions contrary to the public interest. Any such determination, and the justification for such determination, shall be submitted to the Committees on Oversight and Government Reform and Financial Services of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Banking, Housing, and Urban Affairs of the Senate within 7 days.*

*(b) ADDITIONAL CONTRACTING REQUIREMENTS.—In any solicitation or contract where the Secretary has, pursuant to subsection (a), waived any provision of the Federal Acquisition Regulation pertaining to minority contracting, the Secretary shall develop and implement standards and procedures to ensure, to the maximum extent practicable, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)), in that solicitation or contract, including contracts to asset managers, servicers, property managers, and other service providers or expert consultants.*

*(c) ELIGIBILITY OF FDIC.—Notwithstanding subsections (a) and (b), the Corporation—*

*(1) shall be eligible for, and shall be considered in, the selection of asset managers for residential mortgage loans and residential mortgage-backed securities; and*

*(2) shall be reimbursed by the Secretary for any services provided.*

***SEC. 108. CONFLICTS OF INTEREST.***

*(a) STANDARDS REQUIRED.—The Secretary shall issue regulations or guidelines necessary to address and manage or to prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this Act, including—*

*(1) conflicts arising in the selection or hiring of contractors or advisors, including asset managers;*

*(2) the purchase of troubled assets;*

*(3) the management of the troubled assets held;*

*(4) post-employment restrictions on employees; and*

*(5) any other potential conflict of interest, as the Secretary deems necessary or appropriate in the public interest.*

*(b) TIMING.—Regulations or guidelines required by this section shall be issued as soon as practicable after the date of enactment of this Act.*

***SEC. 109. FORECLOSURE MITIGATION EFFORTS.***

*(a) RESIDENTIAL MORTGAGE LOAN SERVICING STANDARDS.—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and use the authority of the Secretary to encourage the servicers of the underlying mortgages, considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.*

*(b) COORDINATION.—The Secretary shall coordinate with the Corporation, the Board (with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, as provided in section 110(a)(1)(C)), the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, and other Federal Government entities that hold troubled assets to attempt to identify opportunities for the acquisition of classes of troubled assets that will improve the ability of the Secretary to improve the loan modification and restructuring process and, where permissible, to permit bona fide tenants who are current on their rent to remain in their homes under the terms of the lease. In the case of a mortgage on a residential rental property, the plan required under this section shall include protecting Federal, State, and local rental subsidies and protections, and ensuring any modification takes into account the need for operating funds to maintain decent and safe conditions at the property.*

*(c) CONSENT TO REASONABLE LOAN MODIFICATION REQUESTS.—Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate, and considering net present value to the taxpayer, to reasonable requests for loss mitigation measures, including term extensions, rate reductions, principal write downs, increases in the proportion of loans within a trust or other structure allowed to be modified, or removal of other limitation on modifications.*

***SEC. 110. ASSISTANCE TO HOMEOWNERS.***

*(a) DEFINITIONS.—As used in this section—*

*(1) the term ''Federal property manager'' means—*

*(A) the Federal Housing Finance Agency, in its capacity as conservator of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;*

*(B) the Corporation, with respect to residential mortgage loans and mortgage-backed securities held by any bridge depository institution pursuant to section 11(n) of the Federal Deposit Insurance Act; and*

*(C) the Board, with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, other than mortgages or securities held, owned, or controlled in connection with open market operations under section 14 of the Federal Reserve Act (12 U.S.C. 353), or as collateral for an advance or discount that is not in default;*

*(2) the term ''consumer'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602);*

*(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and*

*(4) the term ''servicer'' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).*

*(b) HOMEOWNER ASSISTANCE BY AGENCIES.—*

*(1) IN GENERAL.—To the extent that the Federal property manager holds, owns, or controls mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Federal property manager shall implement a plan that seeks to maximize assistance for homeowners and use its authority to encourage the servicers of the underlying mortgages, and considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures.*

*(2) MODIFICATIONS.—In the case of a residential mortgage loan, modifications made under paragraph (1) may include—*

*(A) reduction in interest rates;*

*(B) reduction of loan principal; and*

*(C) other similar modifications.*

*(3) TENANT PROTECTIONS.—In the case of mortgages on residential rental properties, modifications made under paragraph (1) shall ensure—*

*(A) the continuation of any existing Federal, State, and local rental subsidies and protections; and*

*(B) that modifications take into account the need for operating funds to maintain decent and safe conditions at the property.*

*(4) TIMING.—Each Federal property manager shall develop and begin implementation of the plan required by this subsection not later than 60 days after the date of enactment of this Act.*

*(5) REPORTS TO CONGRESS.—Each Federal property manager shall, 60 days after the date of enactment of this Act and every 30 days thereafter, report to Congress specific information on the number and types of loan modifications made and the number of actual foreclosures occurring during the reporting period in accordance with this section.*

*(6) CONSULTATION.—In developing the plan required by this subsection, the Federal property managers shall consult with one another and, to the extent possible, utilize consistent approaches to implement the requirements of this subsection.*

*(c) ACTIONS WITH RESPECT TO SERVICERS.—In any case in which a Federal property manager is not the owner of a residential mortgage loan, but holds an interest in obligations or pools of obligations secured by residential mortgage loans, the Federal property manager shall—*

*(1) encourage implementation by the loan servicers of loan modifications developed under subsection (b); and*

*(2) assist in facilitating any such modifications, to the extent possible.*

*(d) LIMITATION.—The requirements of this section shall not supersede any other duty or requirement imposed on the Federal property managers under otherwise applicable law.*

***SEC. 111. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.***

*(a) APPLICABILITY.—Any financial institution that sells troubled assets to the Secretary under this Act shall be subject to the executive compensation requirements of subsections (b) and (c) and the provisions under the Internal Revenue Code of 1986, as provided under the amendment by section 302, as applicable.*

*(b) DIRECT PURCHASES.—*

*(1) IN GENERAL.—Where the Secretary determines that the purposes of this Act are best met through direct purchases of troubled assets from an individual financial institution where no bidding process or market prices are available, and the Secretary receives a meaningful equity or debt position in the financial institution as a result of the transaction, the Secretary shall require that the financial institution meet appropriate standards for executive compensation and corporate governance. The standards required under this subsection shall be effective for the duration of the period that the Secretary holds an equity or debt position in the financial institution.*

*(2) CRITERIA.—The standards required under this subsection shall include—*

*(A) limits on compensation that exclude incentives for senior executive officers of a financial institution to take unnecessary and excessive risks that threaten the value of the financial institution during the period that the Secretary holds an equity or debt position in the financial institution;*

*(B) a provision for the recovery by the financial institution of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later proven to be materially inaccurate; and*

*(C) a prohibition on the financial institution making any golden parachute payment to its senior executive officer during the period that the Secretary holds an equity or debt position in the financial institution.*

*(3) DEFINITION.—For purposes of this section, the term ''senior executive officer'' means an individual who is one of the top 5 highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.*

*(c) AUCTION PURCHASES.—Where the Secretary determines that the purposes of this Act are best met through auction purchases of troubled assets, and only where such purchases per financial institution in the aggregate exceed $300,000,000 (including direct purchases), the Secretary shall prohibit, for such financial institution, any new employment contract with a senior executive officer that provides a golden parachute in the event of an involuntary termination, bankruptcy filing, insolvency, or receivership. The Secretary shall issue guidance to carry out this paragraph not later than 2 months after the date of enactment of this Act, and such guidance shall be effective upon issuance.*

*(d) SUNSET.—The provisions of subsection (c) shall apply only to arrangements entered into during the period during which the authorities under section 101(a) are in effect, as determined under section 120.*

***SEC. 112. COORDINATION WITH FOREIGN AUTHORITIES AND CENTRAL BANKS.***

*The Secretary shall coordinate, as appropriate, with foreign financial authorities and central banks to work toward the establishment of similar programs by such authorities and central banks. To the extent that such foreign financial authorities or banks hold troubled assets as a result of extending financing to financial institutions that have failed or defaulted on such financing, such troubled assets qualify for purchase under section 101.*

***SEC. 113. MINIMIZATION OF LONG-TERM COSTS AND MAXIMIZATION OF BENEFITS FOR TAXPAYERS.***

*(a) LONG-TERM COSTS AND BENEFITS.—*

*(1) MINIMIZING NEGATIVE IMPACT.—The Secretary shall use the authority under this Act in a manner that will minimize any potential long-term negative impact on the taxpayer, taking into account the direct outlays, potential long-term returns on assets purchased, and the overall economic benefits of the program, including economic benefits due to improvements in economic activity and the availability of credit, the impact on the savings and pensions of individuals, and reductions in losses to the Federal Government.*

*(2) AUTHORITY.—In carrying out paragraph (1), the Secretary shall—*

*(A) hold the assets to maturity or for resale for and until such time as the Secretary determines that the market is optimal for selling such*

*assets, in order to maximize the value for taxpayers; and*

*(B) sell such assets at a price that the Secretary determines, based on available financial analysis, will maximize return on investment for the Federal Government.*

*(3) PRIVATE SECTOR PARTICIPATION.—The Secretary shall encourage the private sector to participate in purchases of troubled assets, and to invest in financial institutions, consistent with the provisions of this section.*

*(b) USE OF MARKET MECHANISMS.—In making purchases under this Act, the Secretary shall—*

*(1) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and*

*(2) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.*

*(c) DIRECT PURCHASES.—If the Secretary determines that use of a market mechanism under subsection (b) is not feasible or appropriate, and the purposes of the Act are best met through direct purchases from an individual financial institution, the Secretary shall pursue additional measures to ensure that prices paid for assets are reasonable and reflect the underlying value of the asset.*

*(d) CONDITIONS ON PURCHASE AUTHORITY FOR WARRANTS AND DEBT INSTRUMENTS.—*

*(1) IN GENERAL.—The Secretary may not purchase, or make any commitment to purchase, any troubled asset under the authority of this Act, unless the Secretary receives from the financial institution from which such assets are to be purchased—*

*(A) in the case of a financial institution, the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such financial institution, or voting stock with respect to which, the Secretary agrees not to exercise voting power, as the Secretary determines appropriate; or*

*(B) in the case of any financial institution other than one described in subparagraph (A), a warrant for common or preferred stock, or a senior debt instrument from such financial institution, as described in paragraph (2)(C).*

*(2) TERMS AND CONDITIONS.—The terms and conditions of any warrant or senior debt instrument required under paragraph (1) shall meet the following requirements:*

*(A) PURPOSES.—Such terms and conditions shall, at a minimum, be designed—*

*(i) to provide for reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity security, or a reasonable interest rate premium, in the case of a debt instrument; and*

*(ii) to provide additional protection for the taxpayer against losses from sale of assets by the Secretary under this Act and the administrative expenses of the TARP.*

*(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—The Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection, based on the conditions established under subparagraph (A).*

*(C) CONVERSION.—The warrant shall provide that if, after the warrant is received by the Secretary under this subsection, the financial institution that issued the warrant is no longer listed or traded on a national securities exchange or securities association, as described in paragraph (1)(A), such warrants shall convert to senior debt, or contain appropriate protections for the Secretary to ensure that the Treasury is appropriately compensated for the value of the warrant, in an amount determined by the Secretary.*

*(D) PROTECTIONS.—Any warrant representing securities to be received by the Secretary under this subsection shall contain anti-dilution provisions of the type employed in capital market transactions, as determined by the Secretary. Such provisions shall protect the value of the securities from market transactions such as stock splits, stock distributions, dividends, and other distributions, mergers, and other forms of reorganization or recapitalization.*

*(E) EXERCISE PRICE.—The exercise price for any warrant issued pursuant to this subsection shall be set by the Secretary, in the interest of the taxpayers.*

*(F) SUFFICIENCY.—The financial institution shall guarantee to the Secretary that it has authorized shares of nonvoting stock available to fulfill its obligations under this subsection. Should the financial institution not have sufficient authorized shares, including preferred shares that may carry dividend rights equal to a multiple number of common shares, the Secretary may, to the extent necessary, accept a senior debt note in an amount, and on such terms as will compensate the Secretary with equivalent value, in the event that a sufficient shareholder vote to authorize the necessary additional shares cannot be obtained.*

*(3) EXCEPTIONS.—*

*(A) DE MINIMIS.—The Secretary shall establish de minimis exceptions to the requirements of this subsection, based on the size of the cumulative transactions of troubled assets purchased from any one financial institution for the duration of the program, at not more than $100,000,000.*

*(B) OTHER EXCEPTIONS.—The Secretary shall establish an exception to the requirements of this subsection and appropriate alternative requirements for any participating financial institution that is legally prohibited from issuing securities and debt instruments, so as not to allow circumvention of the requirements of this section.*

***SEC. 114. MARKET TRANSPARENCY.***

*(a) PRICING.—To facilitate market transparency, the Secretary shall make available to the public, in electronic form, a description, amounts, and pricing of assets acquired under this Act, within 2 business days of purchase, trade, or other disposition.*

*(b) DISCLOSURE.—For each type of financial institutions that sells troubled assets to the Secretary under this Act, the Secretary shall determine whether the public disclosure required for such financial institutions with respect to off-balance sheet transactions, derivatives instruments, contingent liabilities, and similar sources of potential exposure is adequate to provide to the public sufficient information as to the true financial position of the institutions. If such disclosure is not adequate for that purpose, the Secretary shall make recommendations for additional disclosure requirements to the relevant regulators.*

***SEC. 115. GRADUATED AUTHORIZATION TO PURCHASE.***

*(a) AUTHORITY.—The authority of the Secretary to purchase troubled assets under this Act shall be limited as follows:*

*(1) Effective upon the date of enactment of this Act, such authority shall be limited to $250,000,000,000 outstanding at any one time.*

*(2) If at any time, the President submits to the Congress a written certification that the Secretary needs to exercise the authority under this paragraph, effective upon such submission, such authority shall be limited to $350,000,000,000 outstanding at any one time.*

*(3) If, at any time after the certification in paragraph (2) has been made, the President transmits to the Congress a written report detailing the plan of the Secretary to exercise the authority under this paragraph, unless there is enacted, within 15 calendar days of such transmission, a joint resolution described in subsection (c), effective upon the expiration of such 15-day period, such authority shall be limited to $700,000,000,000 outstanding at any one time.*

*(b) AGGREGATION OF PURCHASE PRICES.—The amount of troubled assets purchased by the Secretary outstanding at any one time shall be determined for purposes of the dollar amount limitations under subsection (a) by aggregating the purchase prices of all troubled assets held.*

*(c) JOINT RESOLUTION OF DISAPPROVAL.—*

*(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may not exercise any authority to make purchases under this Act with regard to any amount in excess of $350,000,000,000 previously obligated, as described in this section if, within 15 calendar days after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3), there is enacted into law a joint resolution disapproving the plan of the Secretary with respect to such additional amount.*

*(2) CONTENTS OF JOINT RESOLUTION.—For the purpose of this section, the term ''joint resolution'' means only a joint resolution—*

*(A) that is introduced not later than 3 calendar days after the date on which the report of the plan of the Secretary referred to in subsection (a)(3) is received by Congress;*

*(B) which does not have a preamble;*

*(C) the title of which is as follows: ''Joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008''; and*

*(D) the matter after the resolving clause of which is as follows: ''That Congress disapproves the obligation of any amount exceeding the amounts obligated as described in paragraphs (1) and (2) of section 115(a) of the Emergency Economic Stabilization Act of 2008.''.*

*(d) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—*

*(1) RECONVENING.—Upon receipt of a report under subsection (a)(3), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than the second calendar day after receipt of such report;*

*(2) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in subsection (a)(3). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.*

*(3) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in subsection (a)(3), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.*

*(4) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.*

*(e) FAST TRACK CONSIDERATION IN SENATE.—*

*(1) RECONVENING.—Upon receipt of a report under subsection (a)(3), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to*

*this section, the Senate shall convene not later than the second calendar day after receipt of such message.*

*(2) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.*

*(3) FLOOR CONSIDERATION.—*

*(A) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in subsection (a)(3) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.*

*(B) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.*

*(C) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.*

*(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.*

*(f) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—*

*(1) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:*

*(A) The joint resolution of the other House shall not be referred to a committee.*

*(B) With respect to a joint resolution of the House receiving the resolution—*

*(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but*

*(ii) the vote on passage shall be on the joint resolution of the other House.*

*(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.*

*(3) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.*

*(4) CONSIDERATION AFTER PASSAGE.—*

*(A) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subsection (a)(3).*

*(B) VETOES.—If the President vetoes the joint resolution—*

*(i) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subsection (a)(3), and*

*(ii) debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.*

*(5) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection and subsections (c), (d), and (e) are enacted by Congress—*

*(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and*

*(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.*

***SEC. 116. OVERSIGHT AND AUDITS.***

*(a) COMPTROLLER GENERAL OVERSIGHT.—*

*(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall, upon establishment of the troubled assets relief program under this Act (in this section referred to as the ''TARP''), commence ongoing oversight of the activities and performance of the TARP and of any agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP), including vehicles established by the Secretary under this Act. The subjects of such oversight shall include the following:*

*(A) The performance of the TARP in meeting the purposes of this Act, particularly those involving—*

*(i) foreclosure mitigation;*

*(ii) cost reduction;*

*(iii) whether it has provided stability or prevented disruption to the financial markets or the banking system; and*

*(iv) whether it has protected taxpayers.*

*(B) The financial condition and internal controls of the TARP, its representatives and agents.*

*(C) Characteristics of transactions and commitments entered into, including transaction type, frequency, size, prices paid, and all other relevant terms and conditions, and the timing, duration and terms of any future commitments to purchase assets.*

*(D) Characteristics and disposition of acquired assets, including type, acquisition price, current market value, sale prices and terms, and use of proceeds from sales.*

*(E) Efficiency of the operations of the TARP in the use of appropriated funds.*

*(F) Compliance with all applicable laws and regulations by the TARP, its agents and representatives.*

*(G) The efforts of the TARP to prevent, identify, and minimize conflicts of interest involving any agent or representative performing activities on behalf of or under the authority of the TARP.*

*(H) The efficacy of contracting procedures pursuant to section 107(b), including, as applicable, the efforts of the TARP in evaluating proposals for inclusion and contracting to the maximum extent possible of minorities (as such term is defined in 1204(c) of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1811 note), women, and minority- and women-owned businesses, including ascertaining and reporting the total amount of fees paid and other value delivered by the TARP to all of its agents and representatives, and such amounts paid or delivered to such firms that are minority- and women-owned businesses (as such terms are defined in section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a)).*

*(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—*

*(A) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 120.*

*(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP) or any such vehicle at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.*

*(C) REIMBURSEMENT OF COSTS.—The Treasury shall reimburse the Government Accountability Office for the full cost of any such oversight activities as billed therefor by the Comptroller General of the United States. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended.*

*(3) REPORTING.—The Comptroller General shall submit reports of findings under this section, regularly and no less frequently than once every 60 days, to the appropriate committees of Congress, and the Special Inspector General for the Troubled Asset Relief Program established under this Act on the activities and performance of the TARP. The Comptroller may also submit special reports under this subsection as warranted by the findings of its oversight activities.*

*(b) COMPTROLLER GENERAL AUDITS.—*

*(1) ANNUAL AUDIT.—The TARP shall annually prepare and issue to the appropriate committees of Congress and the public audited financial statements prepared in accordance with generally accepted accounting principles, and the Comptroller General shall annually audit such statements in accordance with generally accepted auditing standards. The Treasury shall reimburse the Government Accountability Office for the full cost of any such audit as billed therefor by the Comptroller General. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended. The financial statements prepared under this paragraph shall be on the fiscal year basis prescribed under section 1102 of title 31, United States Code.*

*(2) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions of the TARP and any agents and representatives of the TARP (as related to the agent or representative's activities on behalf of or under the authority of the TARP), including vehicles established by the Secretary under this Act.*

*(3) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The TARP shall—*

*(A) take action to address deficiencies identified by the Comptroller General or other auditor engaged by the TARP; or*

*(B) certify to appropriate committees of Congress that no action is necessary or appropriate.*

*(c) INTERNAL CONTROL.—*

*(1) ESTABLISHMENT.—The TARP shall establish and maintain an effective system of internal control, consistent with the standards prescribed under section 3512(c) of title 31, United States Code, that provides reasonable assurance of—*

*(A) the effectiveness and efficiency of operations, including the use of the resources of the TARP;*

*(B) the reliability of financial reporting, including financial statements and other reports for internal and external use; and*

*(C) compliance with applicable laws and regulations.*

*(2) REPORTING.—In conjunction with each annual financial statement issued under this section, the TARP shall—*

*(A) state the responsibility of management for establishing and maintaining adequate internal control over financial reporting; and*

*(B) state its assessment, as of the end of the most recent year covered by such financial statement of the TARP, of the effectiveness of the internal control over financial reporting.*

*(d) SHARING OF INFORMATION.—Any report or audit required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.*

*(e) TERMINATION.—Any oversight, reporting, or audit requirement under this section shall terminate on the later of—*

*(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or*

*(2) the date of expiration of the last insurance contract issued under section 102.*

***SEC. 117. STUDY AND REPORT ON MARGIN AUTHORITY.***

*(a) STUDY.—The Comptroller General shall undertake a study to determine the extent to which leverage and sudden deleveraging of financial institutions was a factor behind the current financial crisis.*

*(b) CONTENT.—The study required by this section shall include—*

*(1) an analysis of the roles and responsibilities of the Board, the Securities and Exchange Commission, the Secretary, and other Federal banking agencies with respect to monitoring leverage and acting to curtail excessive leveraging;*

*(2) an analysis of the authority of the Board to regulate leverage, including by setting margin requirements, and what process the Board used to decide whether or not to use its authority;*

*(3) an analysis of any usage of the margin authority by the Board; and*

*(4) recommendations for the Board and appropriate committees of Congress with respect to the existing authority of the Board.*

*(c) REPORT.—Not later than June 1, 2009, the Comptroller General shall complete and submit a report on the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.*

*(d) SHARING OF INFORMATION.—Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.*

***SEC. 118. FUNDING.***

*For the purpose of the authorities granted in this Act, and for the costs of administering those authorities, the Secretary may use the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include actions authorized by this Act, including the payment of administrative expenses. Any funds expended or obligated by the Secretary for actions authorized by this Act, including the payment of administrative expenses, shall be deemed appropriated at the time of such expenditure or obligation.*

***SEC. 119. JUDICIAL REVIEW AND RELATED MATTERS.***

*(a) JUDICIAL REVIEW.—*

*(1) STANDARD.—Actions by the Secretary pursuant to the authority of this Act shall be subject to chapter 7 of title 5, United States Code, including that such final actions shall be held unlawful and set aside if found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law.*

*(2) LIMITATIONS ON EQUITABLE RELIEF.—*

*(A) INJUNCTION.—No injunction or other form of equitable relief shall be issued against the Secretary for actions pursuant to section 101, 102, 106, and 109, other than to remedy a violation of the Constitution.*

*(B) TEMPORARY RESTRAINING ORDER.—Any request for a temporary restraining order against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court within 3 days of the date of the request.*

*(C) PRELIMINARY INJUNCTION.—Any request for a preliminary injunction against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court on an expedited basis consistent with the provisions of rule 65(b)(3) of the Federal Rules of Civil Procedure, or any successor thereto.*

*(D) PERMANENT INJUNCTION.—Any request for a permanent injunction against the Secretary for actions pursuant to this Act shall be considered and granted or denied by the court on an expedited basis. Whenever possible, the court shall consolidate trial on the merits with any hearing on a request for a preliminary injunction, consistent with the provisions of rule 65(a)(2) of the Federal Rules of Civil Procedure, or any successor thereto.*

*(3) LIMITATION ON ACTIONS BY PARTICIPATING COMPANIES.—No action or claims may be brought against the Secretary by any person that divests its assets with respect to its participation in a program under this Act, except as provided in paragraph (1), other than as expressly provided in a written contract with the Secretary.*

*(4) STAYS.—Any injunction or other form of equitable relief issued against the Secretary for actions pursuant to section 101, 102, 106, and 109, shall be automatically stayed. The stay shall be lifted unless the Secretary seeks a stay from a higher court within 3 calendar days after the date on which the relief is issued.*

*(b) RELATED MATTERS.—*

*(1) TREATMENT OF HOMEOWNERS' RIGHTS.—The terms of any residential mortgage loan that is part of any purchase by the Secretary under this Act shall remain subject to all claims and defenses that would otherwise apply, notwithstanding the exercise of authority by the Secretary under this Act.*

*(2) SAVINGS CLAUSE.—Any exercise of the authority of the Secretary pursuant to this Act shall not impair the claims or defenses that would otherwise apply with respect to persons other than the Secretary. Except as established in any contract, a servicer of pooled residential mortgages owes any duty to determine whether the net present value of the payments on the loan, as modified, is likely to be greater than the anticipated net recovery that would result from foreclosure to all investors and holders of beneficial interests in such investment, but not to any individual or groups of investors or beneficial interest holders, and shall be deemed to act in the best interests of all such investors or holders of beneficial interests if the servicer agrees to or implements a modification or workout plan when the servicer takes reasonable loss mitigation actions, including partial payments.*

***SEC. 120. TERMINATION OF AUTHORITY.***

*(a) TERMINATION.—The authorities provided under sections 101(a), excluding section 101(a)(3), and 102 shall terminate on December 31, 2009.*

*(b) EXTENSION UPON CERTIFICATION.—The Secretary, upon submission of a written certification to Congress, may extend the authority provided under this Act to expire not later than 2 years from the date of enactment of this Act. Such certification shall include a justification of why the extension is necessary to assist American families and stabilize financial markets, as well as the expected cost to the taxpayers for such an extension.*

***SEC. 121. SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.***

*(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for the Troubled Asset Relief Program.*

*(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1) The head of the Office of the Special Inspector General for the Troubled Asset Relief Program is the Special Inspector General for the Troubled Asset Relief Program (in this section referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.*

*(2) The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.*

*(3) The nomination of an individual as Special Inspector General shall be made as soon as practicable after the establishment of any program under sections 101 and 102.*

*(4) The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).*

*(5) For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.*

*(6) The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).*

*(c) DUTIES.—(1) It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the purchase, management, and sale of assets by the Secretary of the Treasury under any program established by the Secretary under section 101, and the management by the Secretary of any program established under section 102, including by collecting and summarizing the following information:*

*(A) A description of the categories of troubled assets purchased or otherwise procured by the Secretary.*

*(B) A listing of the troubled assets purchased in each such category described under subparagraph (A).*

*(C) An explanation of the reasons the Secretary deemed it necessary to purchase each such troubled asset.*

*(D) A listing of each financial institution that such troubled assets were purchased from.*

*(E) A listing of and detailed biographical information on each person or entity hired to manage such troubled assets.*

*(F) A current estimate of the total amount of troubled assets purchased pursuant to any program established under section 101, the amount of troubled assets on the books of the Treasury, the amount of troubled assets sold, and the profit and loss incurred on each sale or disposition of each such troubled asset.*

*(G) A listing of the insurance contracts issued under section 102.*

*(2) The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).*

*(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.*

*(d) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (c),*

*the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.*

*(2) The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.*

*(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.*

*(2) The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.*

*(3) The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.*

*(4)(A) Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.*

*(B) Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.*

*(f) REPORTS.—(1) Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all purchases, obligations, expenditures, and revenues associated with any program established by the Secretary of the Treasury under sections 101 and 102, as well as the information collected under subsection (c)(1).*

*(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—*

*(A) specifically prohibited from disclosure by any other provision of law;*

*(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or*

*(C) a part of an ongoing criminal investigation.*

*(3) Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.*

*(g) FUNDING.—(1) Of the amounts made available to the Secretary of the Treasury under section 118, $50,000,000 shall be available to the Special Inspector General to carry out this section.*

*(2) The amount available under paragraph (1) shall remain available until expended.*

*(h) TERMINATION.—The Office of the Special Inspector General shall terminate on the later of—*

*(1) the date that the last troubled asset acquired by the Secretary under section 101 has been sold or transferred out of the ownership or control of the Federal Government; or*

*(2) the date of expiration of the last insurance contract issued under section 102.*

***SEC. 122. INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.***

*Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting ''$11,315,000,000,000''.*

***SEC. 123. CREDIT REFORM.***

*(a) IN GENERAL.—Subject to subsection (b), the costs of purchases of troubled assets made under section 101(a) and guarantees of troubled assets under section 102, and any cash flows associated with the activities authorized in section 102 and subsections (a), (b), and (c) of section 106 shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.).*

*(b) COSTS.—For the purposes of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))—*

*(1) the cost of troubled assets and guarantees of troubled assets shall be calculated by adjusting the discount rate in section 502(5)(E) (2 U.S.C. 661a(5)(E)) for market risks; and*

*(2) the cost of a modification of a troubled asset or guarantee of a troubled asset shall be the difference between the current estimate consistent with paragraph (1) under the terms of the troubled asset or guarantee of the troubled asset and the current estimate consistent with paragraph (1) under the terms of the troubled asset or guarantee of the troubled asset, as modified.*

***SEC. 124. HOPE FOR HOMEOWNERS AMENDMENTS.***

*Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—*

*(1) in subsection (e)—*

*(A) in paragraph (1)(B), by inserting before ''a ratio'' the following: '', or thereafter is likely to have, due to the terms of the mortgage being reset,'';*

*(B) in paragraph (2)(B), by inserting before the period at the end ''(or such higher percentage as the Board determines, in the discretion of the Board)'';*

*(C) in paragraph (4)(A)—*

*(i) in the first sentence, by inserting after ''insured loan'' the following: ''and any payments made under this paragraph,''; and*

*(ii) by adding at the end the following: ''Such actions may include making payments, which shall be accepted as payment in full of all indebtedness under the eligible mortgage, to any holder of an existing subordinate mortgage, in lieu of any future appreciation payments authorized under subparagraph (B).''; and*

*(2) in subsection (w), by inserting after ''administrative costs'' the following: ''and payments pursuant to subsection (e)(4)(A)''.*

***SEC. 125. CONGRESSIONAL OVERSIGHT PANEL.***

*(a) ESTABLISHMENT.—There is hereby established the Congressional Oversight Panel (hereafter in this section referred to as the ''Oversight Panel'') as an establishment in the legislative branch.*

*(b) DUTIES.—The Oversight Panel shall review the current state of the financial markets and the regulatory system and submit the following reports to Congress:*

*(1) REGULAR REPORTS.—*

*(A) IN GENERAL.—Regular reports of the Oversight Panel shall include the following:*

*(i) The use by the Secretary of authority under this Act, including with respect to the use of contracting authority and administration of the program.*

*(ii) The impact of purchases made under the Act on the financial markets and financial institutions.*

*(iii) The extent to which the information made available on transactions under the program has contributed to market transparency.*

*(iv) The effectiveness of foreclosure mitigation efforts, and the effectiveness of the program from the standpoint of minimizing long-term costs to the taxpayers and maximizing the benefits for taxpayers.*

*(B) TIMING.—The reports required under this paragraph shall be submitted not later than 30 days after the first exercise by the Secretary of the authority under section 101(a) or 102, and every 30 days thereafter.*

*(2) SPECIAL REPORT ON REGULATORY REFORM.—The Oversight Panel shall submit a special report on regulatory reform not later than January 20, 2009, analyzing the current state of the regulatory system and its effectiveness at overseeing the participants in the financial system and protecting consumers, and providing recommendations for improvement, including recommendations regarding whether any participants in the financial markets that are currently outside the regulatory system should become subject to the regulatory system, the rationale underlying such recommendation, and whether there are any gaps in existing consumer protections.*

*(c) MEMBERSHIP.—*

*(1) IN GENERAL.—The Oversight Panel shall consist of 5 members, as follows:*

*(A) 1 member appointed by the Speaker of the House of Representatives.*

*(B) 1 member appointed by the minority leader of the House of Representatives.*

*(C) 1 member appointed by the majority leader of the Senate.*

*(D) 1 member appointed by the minority leader of the Senate.*

*(E) 1 member appointed by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives.*

*(2) PAY.—Each member of the Oversight Panel shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Commission.*

*(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Panel.*

*(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.*

*(5) QUORUM.—Four members of the Oversight Panel shall constitute a quorum but a lesser number may hold hearings.*

*(6) VACANCIES.—A vacancy on the Oversight Panel shall be filled in the manner in which the original appointment was made.*

*(7) MEETINGS.—The Oversight Panel shall meet at the call of the Chairperson or a majority of its members.*

*(d) STAFF.—*

*(1) IN GENERAL.—The Oversight Panel may appoint and fix the pay of any personnel as the Commission considers appropriate.*

*(2) EXPERTS AND CONSULTANTS.—The Oversight Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.*

*(3) STAFF OF AGENCIES.—Upon request of the Oversight Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Oversight Panel to assist it in carrying out its duties under this Act.*

*(e) POWERS.—*

*(1) HEARINGS AND SESSIONS.—The Oversight Panel may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate and may administer oaths or affirmations to witnesses appearing before it.*

*(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Panel may, if authorized by the Oversight Panel, take any action which the Oversight Panel is authorized to take by this section.*

*(3) OBTAINING OFFICIAL DATA.—The Oversight Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Panel, the head of that department or agency shall furnish that information to the Oversight Panel.*

*(4) REPORTS.—The Oversight Panel shall receive and consider all reports required to be submitted to the Oversight Panel under this Act.*

*(f) TERMINATION.—The Oversight Panel shall terminate 6 months after the termination date specified in section 120.*

*(g) FUNDING FOR EXPENSES.—*

*(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Panel such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.*

*(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Panel shall be promptly transferred by the Secretary, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Panel, from funds made available to the Secretary under this Act to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).*

***SEC. 126. FDIC AUTHORITY.***

*(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:*

*''(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—*

*''(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may represent or imply that any deposit liability, obligation, certificate, or share is insured or guaranteed by the Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation—*

*''(i) by using the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or*

*''(ii) by using such terms or any other terms, sign, or symbol as part of an advertisement, solicitation, or other document.*

*''(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—*

*''(i) that any deposit liability, obligation, certificate, or share is insured, under this Act, if such deposit liability, obligation, certificate, or share is not so insured; or*

*''(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured under this Act, if such deposit liability, obligation, certificate, or share is not so insured, to the extent or in the manner represented.*

*''(C) AUTHORITY OF THE APPROPRIATE FEDERAL BANKING AGENCY.—The appropriate Federal banking agency shall have enforcement authority in the case of a violation of this paragraph by any person for which the agency is the appropriate Federal banking agency, or any institution-affiliated party thereof.*

*''(D) CORPORATION AUTHORITY IF THE APPROPRIATE FEDERAL BANKING AGENCY FAILS TO FOLLOW RECOMMENDATION.—*

*''(i) RECOMMENDATION.—The Corporation may recommend in writing to the appropriate Federal banking agency that the agency take any enforcement action authorized under section 8 for purposes of enforcement of this paragraph with respect to any person for which the agency is the appropriate Federal banking agency or any institution-affiliated party thereof.*

*''(ii) AGENCY RESPONSE.—If the appropriate Federal banking agency does not, within 30 days of the date of receipt of a recommendation under clause (i), take the enforcement action with respect to this paragraph recommended by the Corporation or provide a plan acceptable to the Corporation for responding to the situation presented, the Corporation may take the recommended enforcement action against such person or institution-affiliated party.*

*''(E) ADDITIONAL AUTHORITY.—In addition to its authority under subparagraphs (C) and (D), for purposes of this paragraph, the Corporation shall have, in the same manner and to the same extent as with respect to a State nonmember insured bank—*

*''(i) jurisdiction over—*

*''(I) any person other than a person for which another agency is the appropriate Federal banking agency or any institution-affiliated party thereof; and*

*''(II) any person that aids or abets a violation of this paragraph by a person described in subclause (I); and*

*''(ii) for purposes of enforcing the requirements of this paragraph, the authority of the Corporation under—*

*''(I) section 10(c) to conduct investigations; and*

*''(II) subsections (b), (c), (d) and (i) of section 8 to conduct enforcement actions.*

*''(F) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State agency or individual.''.*

*(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:*

*''(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—*

*''(A) TEMPORARY ORDER.—*

*''(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) specifies on the basis of particular facts that any person engaged or is engaging in conduct described in section 18(a)(4), the Corporation or other appropriate Federal banking agency may issue a temporary order requiring—*

*''(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and*

*''(II) affirmative action to prevent any further, or to remedy any existing, violation.*

*''(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.*

*''(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—*

*''(i) until such time as the Corporation or other appropriate Federal banking agency dismisses the charges specified in such notice; or*

*''(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.*

*''(C) CIVIL MONEY PENALTIES.—Any violation of section 18(a)(4) shall be subject to civil money penalties, as set forth in subsection (i), except that for any person other than an insured depository institution or an institution-affiliated party that is found to have violated this paragraph, the Corporation or other appropriate Federal banking agency shall not be required to demonstrate any loss to an insured depository institution.''.*

*(c) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended by adding at the end the following new paragraph:*

*''(11) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—No provision contained in any existing or future standstill, confidentiality, or other agreement that, directly or indirectly—*

*''(A) affects, restricts, or limits the ability of any person to offer to acquire or acquire,*

*''(B) prohibits any person from offering to acquire or acquiring, or*

*''(C) prohibits any person from using any previously disclosed information in connection with any such offer to acquire or acquisition of,*

*all or part of any insured depository institution, including any liabilities, assets, or interest therein, in connection with any transaction in which the Corporation exercises its authority under section 11 or 13, shall be enforceable against or impose any liability on such person, as such enforcement or liability shall be contrary to public policy.''.*

*(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—*

*(1) in subsection (a)(3)—*

*(A) by striking ''this subsection'' the first place that term appears and inserting ''paragraph (1)''; and*

*(B) by striking ''this subsection'' the second place that term appears and inserting ''paragraph (2)''; and*

*(2) in the heading for subsection (a), by striking ''INSURANCE LOGO.—'' and inserting ''REPRESENTATIONS OF DEPOSIT INSURANCE.—''.*

***SEC. 127. COOPERATION WITH THE FBI.***

*Any Federal financial regulatory agency shall cooperate with the Federal Bureau of Investigation and other law enforcement agencies investigating fraud, misrepresentation, and malfeasance with respect to development, advertising, and sale of financial products.*

***SEC. 128. ACCELERATION OF EFFECTIVE DATE.***

*Section 203 of the Financial Services Regulatory Relief Act of 2006 (12 U.S.C. 461 note) is amended by striking ''October 1, 2011'' and inserting ''October 1, 2008''.*

***SEC. 129. DISCLOSURES ON EXERCISE OF LOAN AUTHORITY.***

*(a) IN GENERAL.—Not later than 7 days after the date on which the Board exercises its authority under the third paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343; relating to discounts for individuals, partnerships, and corporations) the Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report which includes—*

*(1) the justification for exercising the authority; and*

*(2) the specific terms of the actions of the Board, including the size and duration of the lending, available information concerning the value of any collateral held with respect to such a loan, the recipient of warrants or any other potential equity in exchange for the loan, and any expected cost to the taxpayers for such exercise.*

*(b) PERIODIC UPDATES.—The Board shall provide updates to the Committees specified in subsection (a) not less frequently than once every 60 days while the subject loan is outstanding, including—*

*(1) the status of the loan;*

*(2) the value of the collateral held by the Federal reserve bank which initiated the loan; and*

*(3) the projected cost to the taxpayers of the loan.*

*(c) CONFIDENTIALITY.—The information submitted to the Congress under this section shall be kept confidential, upon the written request of the Chairman of the Board, in which case it shall be made available only to the Chairpersons and Ranking Members of the Committees described in subsection (a).*

*(d) APPLICABILITY.—The provisions of this section shall be in force for all uses of the authority provided under section 13 of the Federal Reserve Act occurring during the period beginning on March 1, 2008 and ending on the after the date of enactment of this Act, and reports described in subsection (a) shall be required beginning not later than 30 days after that date of enactment, with respect to any such exercise of authority.*

*(e) SHARING OF INFORMATION.—Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under section 125.*

***SEC. 130. TECHNICAL CORRECTIONS.***

*(a) IN GENERAL.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)), as amended by section 2502 of the Mortgage Disclosure Improvement Act of 2008 (Public Law 110–289), is amended—*

*(1) in subparagraph (A), by striking ''In the case'' and inserting ''Except as provided in subparagraph (G), in the case''; and*

*(2) by amending subparagraph (G) to read as follows:*

*''(G)(i) In the case of an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code—*

*''(I) the requirements of subparagraphs (A) through (E) shall not apply; and*

*''(II) a good faith estimate of the disclosures required under subsection (a) shall be made in accordance with regulations of the Board under section 121(c) before such credit is extended, or shall be delivered or placed in the mail not later than 3 business days after the date on which the creditor receives the written application of the consumer for such credit, whichever is earlier.*

*''(ii) If a disclosure statement furnished within 3 business days of the written application (as provided under clause (i)(II)) contains an annual percentage rate which is subsequently rendered inaccurate, within the meaning of section 107(c), the creditor shall furnish another disclosure statement at the time of settlement or consummation of the transaction.''.*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 2502 of the Mortgage Disclosure Improvement Act of 2008 (Public Law 110–289).*

***SEC. 131. EXCHANGE STABILIZATION FUND REIMBURSEMENT.***

*(a) REIMBURSEMENT.—The Secretary shall reimburse the Exchange Stabilization Fund established under section 5302 of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry, from funds under this Act.*

*(b) LIMITS ON USE OF EXCHANGE STABILIZATION FUND.—The Secretary is prohibited from using the Exchange Stabilization Fund for the establishment of any future guaranty programs for the United States money market mutual fund industry.*

***SEC. 132. AUTHORITY TO SUSPEND MARK-TO-MARKET ACCOUNTING.***

*(a) AUTHORITY.—The Securities and Exchange Commission shall have the authority under the securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)) to suspend, by rule, regulation, or order, the application of Statement Number 157 of the Financial Accounting Standards Board for any issuer (as such term is defined in section 3(a)(8) of such Act) or with respect to any class or category of transaction if the Commission determines that is necessary or appropriate in the public interest and is consistent with the protection of investors.*

*(b) SAVINGS PROVISION.—Nothing in subsection (a) shall be construed to restrict or limit any authority of the Securities and Exchange Commission under securities laws as in effect on the date of enactment of this Act.*

***SEC. 133. STUDY ON MARK-TO-MARKET ACCOUNTING.***

*(a) STUDY.—The Securities and Exchange Commission, in consultation with the Board and the Secretary, shall conduct a study on mark-to-market accounting standards as provided in Statement Number 157 of the Financial Accounting Standards Board, as such standards are applicable to financial institutions, including depository institutions. Such a study shall consider at a minimum—*

*(1) the effects of such accounting standards on a financial institution's balance sheet;*

*(2) the impacts of such accounting on bank failures in 2008;*

*(3) the impact of such standards on the quality of financial information available to investors;*

*(4) the process used by the Financial Accounting Standards Board in developing accounting standards;*

*(5) the advisability and feasibility of modifications to such standards; and*

*(6) alternative accounting standards to those provided in such Statement Number 157.*

*(b) REPORT.—The Securities and Exchange Commission shall submit to Congress a report of such study before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and determinations of the Commission, including such administrative and legislative recommendations as the Commission determines appropriate.*

***SEC. 134. RECOUPMENT.***

*Upon the expiration of the 5-year period beginning upon the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, shall submit a report to the Congress on the net amount within the Troubled Asset Relief Program under this Act. In any case where there is a shortfall, the President shall submit a legislative proposal that recoups from the financial industry an amount equal to the shortfall in order to ensure that the Troubled Asset Relief Program does not add to the deficit or national debt.*

***SEC. 135. PRESERVATION OF AUTHORITY.***

*With the exception of section 131, nothing in this Act may be construed to limit the authority of the Secretary or the Board under any other provision of law.*

***SEC. 136. TEMPORARY INCREASE IN DEPOSIT AND SHARE INSURANCE COVERAGE.***

*(a) FEDERAL DEPOSIT INSURANCE ACT; TEMPORARY INCREASE IN DEPOSIT INSURANCE.—*

*(1) INCREASED AMOUNT.—Effective only during the period beginning on the date of enactment of this Act and ending on December 31, 2009, section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E)) shall apply with ''$250,000'' substituted for ''$100,000''.*

*(2) TEMPORARY INCREASE NOT TO BE CONSIDERED FOR SETTING ASSESSMENTS.—The temporary increase in the standard maximum deposit insurance amount made under paragraph (1) shall not be taken into account by the Board of Directors of the Corporation for purposes of setting assessments under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)).*

*(3) BORROWING LIMITS TEMPORARILY LIFTED.—During the period beginning on the date of enactment of this Act and ending on December 31, 2009, the Board of Directors of the Corporation may request from the Secretary, and the Secretary shall approve, a loan or loans in an amount or amounts necessary to carry out this subsection, without regard to the limitations on such borrowing under section 14(a) and 15(c) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a), 1825(c)).*

*(b) FEDERAL CREDIT UNION ACT; TEMPORARY INCREASE IN SHARE INSURANCE.—*

*(1) INCREASED AMOUNT.—Effective only during the period beginning on the date of enactment of this Act and ending on December 31, 2009, section 207(k)(5) of the Federal Credit Union Act (12 U.S.C. 1787(k)(5)) shall apply with ''$250,000'' substituted for ''$100,000''.*

*(2) TEMPORARY INCREASE NOT TO BE CONSIDERED FOR SETTING INSURANCE PREMIUM CHARGES AND INSURANCE DEPOSIT ADJUSTMENTS.—The temporary increase in the standard maximum share insurance amount made under paragraph (1) shall not be taken into account by the National Credit Union Administration Board for purposes of setting insurance premium charges and share insurance deposit adjustments under section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)).*

*(3) BORROWING LIMITS TEMPORARILY LIFTED.—During the period beginning on the date of enactment of this Act and ending on December 31, 2009, the National Credit Union Administration Board may request from the Secretary, and the Secretary shall approve, a loan or loans in an amount or amounts necessary to carry out this subsection, without regard to the limitations on such borrowing under section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)).*

*(c) NOT FOR USE IN INFLATION ADJUSTMENTS.—The temporary increase in the standard maximum deposit insurance amount made under this section shall not be used to make any inflation adjustment under section 11(a)(1)(F) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(F)) for purposes of that Act or the Federal Credit Union Act.*

## *TITLE II—BUDGET-RELATED PROVISIONS*

***SEC. 201. INFORMATION FOR CONGRESSIONAL SUPPORT AGENCIES.***

*Upon request, and to the extent otherwise consistent with law, all information used by the Secretary in connection with activities authorized under this Act (including the records to which the Comptroller General is entitled under this Act) shall be made available to congressional support agencies (in accordance with their obligations to support the Congress as set out in their authorizing statutes) for the purposes of assisting the committees of Congress with conducting oversight, monitoring, and analysis of the activities authorized under this Act.*

***SEC. 202. REPORTS BY THE OFFICE OF MANAGEMENT AND BUDGET AND THE CONGRESSIONAL BUDGET OFFICE.***

*(a) REPORTS BY THE OFFICE OF MANAGEMENT AND BUDGET.—Within 60 days of the first exercise of the authority granted in section 101(a), but in no case later than December 31, 2008, and semiannually thereafter, the Office of Management and Budget shall report to the President and the Congress—*

*(1) the estimate, notwithstanding section 502(5)(F) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(F)), as of the first business day that is at least 30 days prior to the issuance of the report, of the cost of the troubled assets, and guarantees of the troubled assets, determined in accordance with section 123;*

*(2) the information used to derive the estimate, including assets purchased or guaranteed, prices paid, revenues received, the impact on the deficit and debt, and a description of any outstanding commitments to purchase troubled assets; and*

*(3) a detailed analysis of how the estimate has changed from the previous report.*

*Beginning with the second report under subsection (a), the Office of Management and Budget shall explain the differences between the Congressional Budget Office estimates delivered in accordance with subsection (b) and prior Office of Management and Budget estimates.*

*(b) REPORTS BY THE CONGRESSIONAL BUDGET OFFICE.—Within 45 days of receipt by the Congress of each report from the Office of Management and Budget under subsection (a), the Congressional Budget Office shall report to the Congress the Congressional Budget Office's assessment of the report submitted by the Office of Management and Budget, including—*

*(1) the cost of the troubled assets and guarantees of the troubled assets,*

*(2) the information and valuation methods used to calculate such cost, and*

*(3) the impact on the deficit and the debt.*

*(c) FINANCIAL EXPERTISE.—In carrying out the duties in this subsection or performing analyses of activities under this Act, the Director of the Congressional Budget Office may employ personnel and procure the services of experts and consultants.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to produce reports required by this section.*

***SEC. 203. ANALYSIS IN PRESIDENT'S BUDGET.***

*(a) IN GENERAL.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:*

*''(35) as supplementary materials, a separate analysis of the budgetary effects for all prior fiscal years, the current fiscal year, the fiscal year for which the budget is submitted, and ensuing fiscal years of the actions the Secretary of the Treasury has taken or plans to take using any authority provided in the Emergency Economic Stabilization Act of 2008, including—*

*''(A) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 using methodology required by the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and section 123 of the Emergency Economic Stabilization Act of 2008;*

*''(B) an estimate of the deficit, the debt held by the public, and the gross Federal debt using methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008;*

*''(C) an estimate of the current value of all assets purchased, sold, and guaranteed under the authority provided in the Emergency Economic Stabilization Act of 2008 calculated on a cash basis;*

*''(D) a revised estimate of the deficit, the debt held by the public, and the gross Federal debt, substituting the cash-based estimates in subparagraph (C) for the estimates calculated under subparagraph (A) pursuant to the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008; and*

*''(E) the portion of the deficit which can be attributed to any action taken by the Secretary using authority provided by the Emergency Economic Stabilization Act of 2008 and the extent to which the change in the deficit since the most recent estimate is due to a reestimate using the methodology required by the Federal Credit Reform Act of 1990 and section 123 of the Emergency Economic Stabilization Act of 2008.''*

*(b) CONSULTATION.—In implementing this section, the Director of Office of Management and Budget shall consult periodically, but at least annually, with the Committee on the Budget of the House of Representatives, the Committee on the Budget of the Senate, and the Director of the Congressional Budget Office.*

*(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply beginning with respect to the fiscal year 2010 budget submission of the President.*

***SEC. 204. EMERGENCY TREATMENT.***

*All provisions of this Act are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008 and rescissions of any amounts provided in this Act shall not be counted for purposes of budget enforcement.*

## *TITLE III—TAX PROVISIONS*

***SEC. 301. GAIN OR LOSS FROM SALE OR EXCHANGE OF CERTAIN PREFERRED STOCK.***

*(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gain or loss from the sale or exchange of any applicable preferred stock by any applicable financial institution shall be treated as ordinary income or loss.*

*(b) APPLICABLE PREFERRED STOCK.—For purposes of this section, the term ''applicable preferred stock'' means any stock—*

*(1) which is preferred stock in—*

*(A) the Federal National Mortgage Association, established pursuant to the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), or*

*(B) the Federal Home Loan Mortgage Corporation, established pursuant to the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), and*

*(2) which—*

*(A) was held by the applicable financial institution on September 6, 2008, or*

*(B) was sold or exchanged by the applicable financial institution on or after January 1, 2008, and before September 7, 2008.*

*(c) APPLICABLE FINANCIAL INSTITUTION.—For purposes of this section:*

*(1) IN GENERAL.—Except as provided in paragraph (2), the term ''applicable financial institution'' means—*

*(A) a financial institution referred to in section 582(c)(2) of the Internal Revenue Code of 1986, or*

*(B) a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))).*

*(2) SPECIAL RULES FOR CERTAIN SALES.—In the case of—*

*(A) a sale or exchange described in subsection (b)(2)(B), an entity shall be treated as an applicable financial institution only if it was an entity described in subparagraph (A) or (B) of paragraph (1) at the time of the sale or exchange, and*

*(B) a sale or exchange after September 6, 2008, of preferred stock described in subsection (b)(2)(A), an entity shall be treated as an applicable financial institution only if it was an entity described in subparagraph (A) or (B) of paragraph (1) at all times during the period beginning on September 6, 2008, and ending on the date of the sale or exchange of the preferred stock.*

*(d) SPECIAL RULE FOR CERTAIN PROPERTY NOT HELD ON SEPTEMBER 6, 2008.—The Secretary of the Treasury or the Secretary's delegate may extend the application of this section to all or a portion of the gain or loss from a sale or exchange in any case where—*

*(1) an applicable financial institution sells or exchanges applicable preferred stock after September 6, 2008, which the applicable financial institution did not hold on such date, but the basis of which in the hands of the applicable financial institution at the time of the sale or exchange is the same as the basis in the hands of the person which held such stock on such date, or*

*(2) the applicable financial institution is a partner in a partnership which—*

*(A) held such stock on September 6, 2008, and later sold or exchanged such stock, or*

*(B) sold or exchanged such stock during the period described in subsection (b)(2)(B).*

*(e) REGULATORY AUTHORITY.—The Secretary of the Treasury or the Secretary's delegate may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this section.*

*(f) EFFECTIVE DATE.—This section shall apply to sales or exchanges occurring after December 31, 2007, in taxable years ending after such date.*

***SEC. 302. SPECIAL RULES FOR TAX TREATMENT OF EXECUTIVE COMPENSATION OF EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.***

*(a) DENIAL OF DEDUCTION.—Subsection (m) of section 162 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:*

*''(5) SPECIAL RULE FOR APPLICATION TO EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—*

*''(A) IN GENERAL.—In the case of an applicable employer, no deduction shall be allowed under this chapter—*

*''(i) in the case of executive remuneration for any applicable taxable year which is attributable to services performed by a covered executive during such applicable taxable year, to the extent that the amount of such remuneration exceeds $500,000, or*

*''(ii) in the case of deferred deduction executive remuneration for any taxable year for services performed during any applicable taxable year by a covered executive, to the extent that the amount of such remuneration exceeds $500,000 reduced (but not below zero) by the sum of—*

*''(I) the executive remuneration for such applicable taxable year, plus*

*''(II) the portion of the deferred deduction executive remuneration for such services which was taken into account under this clause in a preceding taxable year.*

*''(B) APPLICABLE EMPLOYER.—For purposes of this paragraph—*

*''(i) IN GENERAL.—Except as provided in clause (ii), the term 'applicable employer' means any employer from whom 1 or more troubled assets are acquired under a program established by the Secretary under section 101(a) of the Emergency Economic Stabilization Act of 2008 if the aggregate amount of the assets so acquired for all taxable years exceeds $300,000,000.*

*''(ii) DISREGARD OF CERTAIN ASSETS SOLD THROUGH DIRECT PURCHASE.—If the only sales of troubled assets by an employer under the program described in clause (i) are through 1 or more direct purchases (within the meaning of section 113(c) of the Emergency Economic Stabilization Act of 2008), such assets shall not be taken into account under clause (i) in determining whether the employer is an applicable employer for purposes of this paragraph.*

*''(iii) AGGREGATION RULES.—Two or more persons who are treated as a single employer under subsection (b) or (c) of section 414 shall be treated as a single employer, except that in applying section 1563(a) for purposes of either such subsection, paragraphs (2) and (3) thereof shall be disregarded.*

*''(C) APPLICABLE TAXABLE YEAR.—For purposes of this paragraph, the term 'applicable taxable year' means, with respect to any employer—*

*''(i) the first taxable year of the employer—*

*''(I) which includes any portion of the period during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 thereof), and*

*''(II) in which the aggregate amount of troubled assets acquired from the employer during the taxable year pursuant to such authorities (other than assets to which subparagraph (B)(ii) applies), when added to the aggregate amount so acquired for all preceding taxable years, exceeds $300,000,000, and*

*''(ii) any subsequent taxable year which includes any portion of such period.*

*''(D) COVERED EXECUTIVE.—For purposes of this paragraph—*

*''(i) IN GENERAL.—The term 'covered executive' means, with respect to any applicable taxable year, any employee—*

*''(I) who, at any time during the portion of the taxable year during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 thereof), is the chief executive officer of the applicable employer or the chief financial officer of the applicable employer, or an individual acting in either such capacity, or*

*''(II) who is described in clause (ii).*

*''(ii) HIGHEST COMPENSATED EMPLOYEES.—An employee is described in this clause if the employee is 1 of the 3 highest compensated officers of the applicable employer for the taxable year (other than an individual described in clause (i)(I)), determined—*

''(I) on the basis of the shareholder disclosure rules for compensation under the Securities Exchange Act of 1934 (without regard to whether those rules apply to the employer), and

''(II) by only taking into account employees employed during the portion of the taxable year described in clause (i)(I).

''(iii) EMPLOYEE REMAINS COVERED EXECUTIVE.—If an employee is a covered executive with respect to an applicable employer for any applicable taxable year, such employee shall be treated as a covered executive with respect to such employer for all subsequent applicable taxable years and for all subsequent taxable years in which deferred deduction executive remuneration with respect to services performed in all such applicable taxable years would (but for this paragraph) be deductible.

''(E) EXECUTIVE REMUNERATION.—For purposes of this paragraph, the term 'executive remuneration' means the applicable employee remuneration of the covered executive, as determined under paragraph (4) without regard to subparagraphs (B), (C), and (D) thereof. Such term shall not include any deferred deduction executive remuneration with respect to services performed in a prior applicable taxable year.

''(F) DEFERRED DEDUCTION EXECUTIVE REMUNERATION.—For purposes of this paragraph, the term 'deferred deduction executive remuneration' means remuneration which would be executive remuneration for services performed in an applicable taxable year but for the fact that the deduction under this chapter (determined without regard to this paragraph) for such remuneration is allowable in a subsequent taxable year.

''(G) COORDINATION.—Rules similar to the rules of subparagraphs (F) and (G) of paragraph (4) shall apply for purposes of this paragraph.

''(H) REGULATORY AUTHORITY.—The Secretary may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this paragraph and the Emergency Economic Stabilization Act of 2008, including the extent to which this paragraph applies in the case of any acquisition, merger, or reorganization of an applicable employer.''.

(b) GOLDEN PARACHUTE RULE.—Section 280G of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) SPECIAL RULE FOR APPLICATION TO EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—

''(1) IN GENERAL.—In the case of the severance from employment of a covered executive of an applicable employer during the period during which the authorities under section 101(a) of the Emergency Economic Stabilization Act of 2008 are in effect (determined under section 120 of such Act), this section shall be applied to payments to such executive with the following modifications:

''(A) Any reference to a disqualified individual (other than in subsection (c)) shall be treated as a reference to a covered executive.

''(B) Any reference to a change described in subsection (b)(2)(A)(i) shall be treated as a reference to an applicable severance from employment of a covered executive, and any reference to a payment contingent on such a change shall be treated as a reference to any payment made during an applicable taxable year of the employer on account of such applicable severance from employment.

''(C) Any reference to a corporation shall be treated as a reference to an applicable employer.

''(D) The provisions of subsections (b)(2)(C), (b)(4), (b)(5), and (d)(5) shall not apply.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) DEFINITIONS.—Any term used in this subsection which is also used in section 162(m)(5) shall have the meaning given such term by such section.

''(B) APPLICABLE SEVERANCE FROM EMPLOYMENT.—The term 'applicable severance from employment' means any severance from employment of a covered executive—

''(i) by reason of an involuntary termination of the executive by the employer, or

''(ii) in connection with any bankruptcy, liquidation, or receivership of the employer.

''(C) COORDINATION AND OTHER RULES.—

''(i) IN GENERAL.—If a payment which is treated as a parachute payment by reason of this subsection is also a parachute payment determined without regard to this subsection, this subsection shall not apply to such payment.

''(ii) REGULATORY AUTHORITY.—The Secretary may prescribe such guidance, rules, or regulations as are necessary—

''(I) to carry out the purposes of this subsection and the Emergency Economic Stabilization Act of 2008, including the extent to which this subsection applies in the case of any acquisition, merger, or reorganization of an applicable employer,

''(II) to apply this section and section 4999 in cases where one or more payments with respect to any individual are treated as parachute payments by reason of this subsection, and other payments with respect to such individual are treated as parachute payments under this section without regard to this subsection, and

''(III) to prevent the avoidance of the application of this section through the mischaracterization of a severance from employment as other than an applicable severance from employment.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending on or after the date of the enactment of this Act.

(2) GOLDEN PARACHUTE RULE.—The amendments made by subsection (b) shall apply to payments with respect to severances occurring during the period during which the authorities under section 101(a) of this Act are in effect (determined under section 120 of this Act).

**SEC. 303. EXTENSION OF EXCLUSION OF INCOME FROM DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.**

(a) EXTENSION.—Subparagraph (E) of section 108(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2010'' and inserting ''January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of indebtedness occurring on or after January 1, 2010.

## DIVISION B—ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This division may be cited as the ''Energy Improvement and Extension Act of 2008''.

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

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

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Energy credit for small wind property.
Sec. 105. Energy credit for geothermal heat pump systems.
Sec. 106. Credit for residential energy efficient property.
Sec. 107. New clean renewable energy bonds.
Sec. 108. Credit for steel industry fuel.
Sec. 109. Special rule to implement FERC and State electric restructuring policy.

Subtitle B—Carbon Mitigation and Coal Provisions

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.
Sec. 117. Carbon audit of the tax code.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Extension and modification of alternative fuel credit.
Sec. 205. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Alternative fuel vehicle refueling property credit.
Sec. 208. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 209. Extension and modification of election to expense certain refineries.
Sec. 210. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 211. Transportation fringe benefit to bicycle commuters.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.

*Sec. 403. Broker reporting of customer's basis in securities transactions.*
*Sec. 404. 0.2 percent FUTA surtax.*
*Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.*

## *TITLE I—ENERGY PRODUCTION INCENTIVES*

### *Subtitle A—Renewable Energy Incentives*

**SEC. 101. RENEWABLE ENERGY CREDIT.**

*(a) EXTENSION OF CREDIT.—*

*(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.*

*(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2011'':*

*(A) Clauses (i) and (ii) of paragraph (2)(A).*

*(B) Clauses (i)(I) and (ii) of paragraph (3)(A).*

*(C) Paragraph (4).*

*(D) Paragraph (5).*

*(E) Paragraph (6).*

*(F) Paragraph (7).*

*(G) Subparagraphs (A) and (B) of paragraph (9).*

*(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—*

*(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A)(i) (defining refined coal), as amended by section 108, is amended—*

*(A) by striking subclause (IV),*

*(B) by adding ''and'' at the end of subclause (II), and*

*(C) by striking '', and'' at the end of subclause (III) and inserting a period.*

*(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.*

*(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—*

*(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and*

*(2) by striking ''COMBUSTION''.*

*(d) EXPANSION OF BIOMASS FACILITIES.—*

*(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:*

*''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.*

*(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:*

*''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.*

*(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:*

*''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—*

*''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,*

*''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and*

*''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.*

*The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.*

*(f) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.*

*(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold from facilities placed in service after December 31, 2008.*

*(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.*

*(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.*

**SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.**

*(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(I) marine and hydrokinetic renewable energy.''.*

*(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:*

*''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—*

*''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—*

*''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,*

*''(ii) free flowing water in rivers, lakes, and streams,*

*''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or*

*''(iv) differentials in ocean temperature (ocean thermal energy conversion).*

*''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.*

*(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:*

*''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—*

*''(A) which has a nameplate capacity rating of at least 150 kilowatts, and*

*''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.*

*(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.*

*(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.*

**SEC. 103. ENERGY CREDIT.**

*(a) EXTENSION OF CREDIT.—*

*(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.*

*(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.*

*(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.*

*(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—*

*(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:*

*''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.*

*(2) TECHNICAL AMENDMENT.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.*

*(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—*

*(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:*

*''(v) combined heat and power system property,''.*

*(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—*

*(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and*

*(B) by adding at the end the following new paragraph:*

*''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—*

*''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—*

*''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),*

*''(ii) which produces—*

*''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and*

*''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),*

*''(iii) the energy efficiency percentage of which exceeds 60 percent, and*

*''(iv) which is placed in service before January 1, 2017.*

*''(B) LIMITATION.—*

*''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year*

*shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.*

*''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.*

*''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.*

*''(C) SPECIAL RULES.—*

*''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—*

*''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and*

*''(II) the denominator of which is the lower heating value of the fuel sources for the system.*

*''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.*

*''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.*

*''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—*

*''(i) subparagraph (A)(iii) shall not apply, but*

*''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.*

*(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.*

*(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.*

*(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—*

*(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).*

*(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).*

*(f) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.*

*(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.*

*(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).*

*(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).*

***SEC. 104. ENERGY CREDIT FOR SMALL WIND PROPERTY.***

*(a) IN GENERAL.—Section 48(a)(3)(A), as amended by section 103, is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:*

*''(vi) qualified small wind energy property,''.*

*(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:*

*''(IV) qualified small wind energy property, and''.*

*(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c), as amended by section 103, is amended by adding at the end the following new paragraph:*

*''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—*

*''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.*

*''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to all such property of the taxpayer shall not exceed $4,000.*

*''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 100 kilowatts.*

*''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.*

*(d) CONFORMING AMENDMENT.—Section 48(a)(1), as amended by section 103, is amended by striking ''paragraphs (1)(B), (2)(B), and (3)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).*

***SEC. 105. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.***

*(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:*

*''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.*

*(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).*

***SEC. 106. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.***

*(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.*

*(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—*

*(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—*

*(A) by striking subparagraph (A), and*

*(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.*

*(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—*

*(A) by striking clause (i), and*

*(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.*

*(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—*

*(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:*

*''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.*

*(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.*

*(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—*

*(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:*

*''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.*

*(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.*

*(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:*

*''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.*

*(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—*

*(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:*

*''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.*

*(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.*

*(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:*

*''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—*

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

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

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

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2008.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

**SEC. 107. NEW CLEAN RENEWABLE ENERGY BONDS.**

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

**''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.**

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

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

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 108. CREDIT FOR STEEL INDUSTRY FUEL.**

(a) TREATMENT AS REFINED COAL.—

(1) IN GENERAL.—Subparagraph (A) of section 45(c)(7) of the Internal Revenue Code of 1986 (relating to refined coal), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The term 'refined coal' means a fuel—

''(i) which—

''(I) is a liquid, gaseous, or solid fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock,

''(II) is sold by the taxpayer with the reasonable expectation that it will be used for purpose of producing steam,

''(III) is certified by the taxpayer as resulting (when used in the production of steam) in a qualified emission reduction, and

''(IV) is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or

''(ii) which is steel industry fuel.''.

(2) STEEL INDUSTRY FUEL DEFINED.—Paragraph (7) of section 45(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—The term 'steel industry fuel' means a fuel which—

''(I) is produced through a process of liquifying coal waste sludge and distributing it on coal, and

''(II) is used as a feedstock for the manufacture of coke.

''(ii) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process, including such materials that have been stored in ground, in tanks and in lagoons, that have been treated as hazardous wastes under applicable Federal environmental rules absent liquefaction and processing with coal into a feedstock for the manufacture of coke.''.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—Paragraph (8) of section 45(e) of the Internal Revenue Code of 1986 (relating to refined coal production facilities) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—In the case of a taxpayer who produces steel industry fuel—

''(I) this paragraph shall be applied separately with respect to steel industry fuel and other refined coal, and

''(II) in applying this paragraph to steel industry fuel, the modifications in clause (ii) shall apply.

''(ii) MODIFICATIONS.—

''(I) CREDIT AMOUNT.—Subparagraph (A) shall be applied by substituting '$2 per barrel-of-oil equivalent' for '$4.375 per ton'.

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the later of the date such facility was originally placed in service, the date the modifications described in clause (iii) were placed in service, or October 1, 2008, and ending on the later of December 31, 2009, or the date which is 1 year after the date such facility or the modifications described in clause (iii) were placed in service.

''(III) NO PHASEOUT.—Subparagraph (B) shall not apply.

''(iii) MODIFICATIONS.—The modifications described in this clause are modifications to an existing facility which allow such facility to produce steel industry fuel.

''(iv) BARREL-OF-OIL EQUIVALENT.—For purposes of this subparagraph, a barrel-of-oil equivalent is the amount of steel industry fuel that has a Btu content of 5,800,000 Btus.''.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of such Code is amended by inserting ''the $3 amount in subsection (e)(8)(D)(ii)(I),'' after ''subsection (e)(8)(A),''.

(c) TERMINATION.—Paragraph (8) of section 45(d) of the Internal Revenue Code of 1986 (relating to refined coal production facility), as amended by this Act, is amended to read as follows:

''(8) REFINED COAL PRODUCTION FACILITY.—In the case of a facility that produces refined coal, the term 'refined coal production facility' means—

''(A) with respect to a facility producing steel industry fuel, any facility (or any modification to a facility) which is placed in service before January 1, 2010, and

''(B) with respect to any other facility producing refined coal, any facility placed in service after the date of the enactment of the American Jobs Creation Act of 2004 and before January 1, 2010.''.

(d) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(e)(9) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term'', and

(B) by adding at the end the following new clause:

''(ii) EXCEPTION FOR STEEL INDUSTRY COAL.—In the case of a facility producing steel industry fuel, clause (i) shall not apply to so much of the refined coal produced at such facility as is steel industry fuel.''.

(2) NO DOUBLE BENEFIT.—Section 45K(g)(2) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any qualified fuel which is steel industry fuel (as defined in section 45(c)(7)) if a credit is allowed to the taxpayer for such fuel under section 45.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced and sold after September 30, 2008.

**SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.**

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

**Subtitle B—Carbon Mitigation and Coal Provisions**

**SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.**

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

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

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

**SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.**

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

**SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.**

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

**SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.**

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

*(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—*

*(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,*

*(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and*

*(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,*

*then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.*

*(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.*

*(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.*

*(d) DEFINITIONS.—For purposes of this section—*

*(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.*

*(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—*

*(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or*

*(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.*

*(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—*

*(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,*

*(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or*

*(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.*

*(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.*

*(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.*

*(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.*

*(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—*

*(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and*

*(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.*

*(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.*

*(i) STANDING NOT CONFERRED.—*

*(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.*

*(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.*

***SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.***

*(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:*

***''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.***

*''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—*

*''(1) $20 per metric ton of qualified carbon dioxide which is—*

*''(A) captured by the taxpayer at a qualified facility, and*

*''(B) disposed of by the taxpayer in secure geological storage, and*

*''(2) $10 per metric ton of qualified carbon dioxide which is—*

*''(A) captured by the taxpayer at a qualified facility, and*

*''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.*

*''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—*

*''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and*

*''(B) is measured at the source of capture and verified at the point of disposal or injection.*

*''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.*

*''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—*

*''(1) which is owned by the taxpayer,*

*''(2) at which carbon capture equipment is placed in service, and*

*''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.*

*''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—*

*''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—*

*''(A) the United States (within the meaning of section 638(1)), or*

*''(B) a possession of the United States (within the meaning of section 638(2)).*

*''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.*

*''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).*

*''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.*

*''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.*

*''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.*

*''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—*

*''(A) such dollar amount, multiplied by*

*''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.*

*''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.*

*(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:*

*''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.*

*(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:*

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

**SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.**

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ''or industrial source carbon dioxide'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 117. CARBON AUDIT OF THE TAX CODE.**

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

## TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

**SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.**

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by inserting '', or other equivalent standard approved by the Secretary'' after ''D396''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new sentences: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

**SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.**

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

**SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.**

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied gas derived from biomass (as defined in section 45K(c)(3)), and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after September 30, 2009, and on or before December 30, 2009, and

''(ii) 75 percent in the case of fuel produced after December 30, 2009.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.*

**SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

*(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:*

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

*''(a) ALLOWANCE OF CREDIT.—*

*''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.*

*''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—*

*''(A) $2,500, plus*

*''(B) $417 for each kilowatt hour of traction battery capacity in excess of 4 kilowatt hours.*

*''(b) LIMITATIONS.—*

*''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—*

*''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,*

*''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,*

*''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and*

*''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.*

*''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—*

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

*''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2008, is at least 250,000.*

*''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—*

*''(i) 50 percent for the first 2 calendar quarters of the phaseout period,*

*''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and*

*''(iii) 0 percent for each calendar quarter thereafter.*

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

*''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—*

*''(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,*

*''(2) which uses an offboard source of energy to recharge such battery,*

*''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and*

*''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and*

*''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,*

*''(4) the original use of which commences with the taxpayer,*

*''(5) which is acquired for use or lease by the taxpayer and not for resale, and*

*''(6) which is made by a manufacturer.*

*''(d) APPLICATION WITH OTHER CREDITS.—*

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

*''(2) PERSONAL CREDIT.—*

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

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

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

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

*''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—*

*''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).*

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

*''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.*

*''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.*

*''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.*

*''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).*

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

*''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).*

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

*''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—*

*''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and*

*''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.*

*''(f) REGULATIONS.—*

*''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.*

*''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.*

*''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.*

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

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

*(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:*

*''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.*

*(d) CONFORMING AMENDMENTS.—*

*(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.*

*(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.*

*(C) Section 25B(g)(2), as amended by section 106, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.*

*(D) Section 26(a)(1), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.*

*(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.*

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

*''(37) to the extent provided in section 30D(e)(4).''.*

*(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.*

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

*''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.*

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

*(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.*

***SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.***

*(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:*

*''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—*

*''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and*

*''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.*

*''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.*

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

***SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.***

*(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.*

*(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:*

*''(C) Electricity.''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.*

***SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.***

*(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1), as amended by this Act, is amended by striking ''or industrial source carbon dioxide'' and inserting '', industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.*

***SEC. 209. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.***

*(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—*

*(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and*

*(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.*

*(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—*

*(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.*

*(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.*

***SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.***

*Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''for any taxable year'' and all that follows and inserting ''for any taxable year—*

*''(i) beginning after December 31, 1997, and before January 1, 2008, or*

*''(ii) beginning after December 31, 2008, and before January 1, 2010.''.*

***SEC. 211. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.***

*(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:*

*''(D) Any qualified bicycle commuting reimbursement.''.*

*(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.*

*(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:*

*''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—*

*''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.*

*''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.*

*''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—*

*''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and*

*''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.*

*(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.*

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

## *TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS*

***SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.***

*(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 107, is amended by adding at the end the following new section:*

***''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.***

*''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—*

*''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,*

*''(2) the bond is issued by a State or local government, and*

*''(3) the issuer designates such bond for purposes of this section.*

*''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.*

*''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).*

*''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $800,000,000.*

*''(e) ALLOCATIONS.—*

*''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.*

*''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—*

*''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.*

*''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.*

*''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.*

*''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.*

*''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:*

*''(A) Capital expenditures incurred for purposes of—*

*''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,*

*''(ii) implementing green community programs,*

*''(iii) rural development involving the production of electricity from renewable energy resources, or*

*''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).*

*''(B) Expenditures with respect to research facilities, and research grants, to support research in—*

*''(i) development of cellulosic ethanol or other nonfossil fuels,*

*''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,*

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.**

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

**SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.**

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

**SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.**

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

*(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.*

*(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.*

*(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:*

*''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—*

*''(1) dishwashers described in subsection (b)(1),*

*''(2) clothes washers described in subsection (b)(2), and*

*''(3) refrigerators described in subsection (b)(3).''.*

*(d) AGGREGATE CREDIT AMOUNT ALLOWED.—*

*(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:*

*''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.*

*(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:*

*''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.*

*(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—*

*(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:*

*''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—*

*''(A) any dishwasher described in subsection (b)(1),*

*''(B) any clothes washer described in subsection (b)(2), and*

*''(C) any refrigerator described in subsection (b)(3).''.*

*(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.*

*(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:*

*''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.*

*(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:*

*''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.*

*(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:*

*''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.*

*''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.*

***SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.***

*(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:*

*''(iii) any qualified smart electric meter, and*

*''(iv) any qualified smart electric grid system.''.*

*(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:*

*''(18) QUALIFIED SMART ELECTRIC METERS.—*

*''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which—*

*''(i) is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and*

*''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.*

*''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—*

*''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,*

*''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,*

*''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and*

*''(iv) provides net metering.*

*''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—*

*''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property which—*

*''(i) is used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and*

*''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.*

*''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—*

*''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,*

*''(ii) providing real-time, two-way communications to monitor or manage such grid, and*

*''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.*

*(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:*

*''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.*

***SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.***

*(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.*

*(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.*

*(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.*

***SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.***

*(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:*

*''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—*

*''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—*

*''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and*

*''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.*

*''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—*

*''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—*

*''(i) to which this section applies,*

*''(ii) which has a useful life of at least 5 years,*

*''(iii) the original use of which commences with the taxpayer after August 31, 2008, and*

*''(iv) which is—*

*''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or*

*''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.*

*''(B) EXCEPTIONS.—*

*''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.*

*''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).*

*''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.*

*''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.*

*''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.*

*''(3) DEFINITIONS.—For purposes of this subsection—*

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

## TITLE IV—REVENUE PROVISIONS

### SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

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

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

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

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

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

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

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

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

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

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

### SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Improvement and Extension Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

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

**SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.**

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FUND FOR TREATMENT AS SINGLE ACCOUNT.—If a fund described in subparagraph (A) elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

**''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.**

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

**''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.**

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

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

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

**SEC. 404. 0.2 PERCENT FUTA SURTAX.**

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

**SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.**

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

## DIVISION C—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.**

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

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

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Additional standard deduction for real property taxes for nonitemizers.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Treatment of certain dividends of regulated investment companies.
Sec. 207. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 208. Qualified investment entities.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 306. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 307. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 308. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 309. Extension of economic development credit for American Samoa.
Sec. 310. Extension of mine rescue team training credit.
Sec. 311. Extension of election to expense advanced mine safety equipment.
Sec. 312. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 313. Qualified zone academy bonds.
Sec. 314. Indian employment credit.
Sec. 315. Accelerated depreciation for business property on Indian reservations.
Sec. 316. Railroad track maintenance.
Sec. 317. Seven-year cost recovery period for motorsports racing track facility.
Sec. 318. Expensing of environmental remediation costs.
Sec. 319. Extension of work opportunity tax credit for Hurricane Katrina employees.

*Sec. 320. Extension of increased rehabilitation credit for structures in the Gulf Opportunity Zone.*
*Sec. 321. Enhanced deduction for qualified computer contributions.*
*Sec. 322. Tax incentives for investment in the District of Columbia.*
*Sec. 323. Enhanced charitable deductions for contributions of food inventory.*
*Sec. 324. Extension of enhanced charitable deduction for contributions of book inventory.*
*Sec. 325. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.*

*TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS*

*Sec. 401. Permanent authority for undercover operations.*
*Sec. 402. Permanent authority for disclosure of information relating to terrorist activities.*

*TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS*

*Subtitle A—General Provisions*

*Sec. 501. $8,500 income threshold used to calculate refundable portion of child tax credit.*
*Sec. 502. Provisions related to film and television productions.*
*Sec. 503. Exemption from excise tax for certain wooden arrows designed for use by children.*
*Sec. 504. Income averaging for amounts received in connection with the Exxon Valdez litigation.*
*Sec. 505. Certain farming business machinery and equipment treated as 5-year property.*
*Sec. 506. Modification of penalty on understatement of taxpayer's liability by tax return preparer.*

*Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008*

*Sec. 511. Short title.*
*Sec. 512. Mental health parity.*

*TITLE VI—OTHER PROVISIONS*

*Sec. 601. Secure rural schools and community self-determination program.*
*Sec. 602. Transfer to abandoned mine reclamation fund.*

*TITLE VII—DISASTER RELIEF*

*Subtitle A—Heartland and Hurricane Ike Disaster Relief*

*Sec. 701. Short title.*
*Sec. 702. Temporary tax relief for areas damaged by 2008 Midwestern severe storms, tornados, and flooding.*
*Sec. 703. Reporting requirements relating to disaster relief contributions.*
*Sec. 704. Temporary tax-exempt bond financing and low-income housing tax relief for areas damaged by Hurricane Ike.*

*Subtitle B—National Disaster Relief*

*Sec. 706. Losses attributable to federally declared disasters.*
*Sec. 707. Expensing of Qualified Disaster Expenses.*
*Sec. 708. Net operating losses attributable to federally declared disasters.*
*Sec. 709. Waiver of certain mortgage revenue bond requirements following federally declared disasters.*
*Sec. 710. Special depreciation allowance for qualified disaster property.*
*Sec. 711. Increased expensing for qualified disaster assistance property.*
*Sec. 712. Coordination with Heartland disaster relief.*

*TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY*

*Sec. 801. Nonqualified deferred compensation from certain tax indifferent parties.*

## *TITLE I—ALTERNATIVE MINIMUM TAX RELIEF*

### *SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.*

*(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—*

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

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

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

### *SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.*

*(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—*

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

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

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

### *SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.*

*(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:*

*''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—*

*''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or*

*''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.*

*(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:*

*''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—*

*''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008, and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment, is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.*

*''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.*

*(c) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.*

*(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.*

## *TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS*

### *SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.*

*(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

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

### *SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.*

*(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

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

### *SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.*

*(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.*

### *SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.*

*(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ''or 2009'' after ''2008''.*

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

### *SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.*

*(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

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

### *SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.*

*(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.*

### *SEC. 207. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.*

*(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.*

### *SEC. 208. QUALIFIED INVESTMENT ENTITIES.*

*(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended*

*by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.*

## TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

### SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

*(a) EXTENSION.—*

*(1) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B).*

*(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''after December 31, 2007'' and inserting ''after December 31, 2009''.*

*(b) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:*

*''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.''.*

*(c) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking ''12 percent'' and inserting ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)''.*

*(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:*

*''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—*

*''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and*

*''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.*

*(e) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.*

*(2) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2007.*

### SEC. 302. NEW MARKETS TAX CREDIT.

*Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.*

### SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

*(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—*

*(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and*

*(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

*(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.*

### SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

*(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.*

### SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

*(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—*

*(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

*(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.*

*(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—*

*(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:*

*''(7) QUALIFIED RESTAURANT PROPERTY.—*

*''(A) IN GENERAL.—The term 'qualified restaurant property' means any section 1250 property which is—*

*''(i) a building, if such building is placed in service after December 31, 2008, and before January 1, 2010, or*

*''(ii) an improvement to a building,*

*if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.*

*''(B) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).''.*

*(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.*

*(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—*

*(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:*

*''(ix) any qualified retail improvement property placed in service after December 31, 2008, and before January 1, 2010.''.*

*(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:*

*''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—*

*''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—*

*''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and*

*''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.*

*''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.*

*''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—*

*''(i) the enlargement of the building,*

*''(ii) any elevator or escalator,*

*''(iii) any structural component benefitting a common area, or*

*''(iv) the internal structural framework of the building.*

*''(D) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).*

*''(E) TERMINATION.—Such term shall not include any improvement placed in service after December 31, 2009.''.*

*(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:*

*''(I) Qualified retail improvement property described in subsection (e)(8).''.*

*(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:*

*''(E)(ix) ..... 39''.*

*(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.*

### SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

*(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.*

### SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

*(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

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

### SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

*(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.*

### SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

*(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—*

*(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and*

*(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

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

### SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

*Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

### SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

*Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.*

### SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

*(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—*

*(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and*

*(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

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

**SEC. 313. QUALIFIED ZONE ACADEMY BONDS.**

*(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:*

**"SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.**

*''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—*

*''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,*

*''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and*

*''(3) the issuer—*

*''(A) designates such bond for purposes of this section,*

*''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and*

*''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.*

*''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.*

*''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—*

*''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.*

*''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.*

*''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.*

*''(4) CARRYOVER OF UNUSED LIMITATION.—*

*''(A) IN GENERAL.—If for any calendar year—*

*''(i) the limitation amount for any State, exceeds*

*''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,*

*the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.*

*''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.*

*''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.*

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

*''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—*

*''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,*

*''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,*

*''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and*

*''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or*

*''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.*

*''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.*

*''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—*

*''(A) rehabilitating or repairing the public school facility in which the academy is established,*

*''(B) providing equipment for use at such academy,*

*''(C) developing course materials for education to be provided at such academy, and*

*''(D) training teachers and other school personnel in such academy.*

*''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—*

*''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),*

*''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,*

*''(C) services of employees as volunteer mentors,*

*''(D) internships, field trips, or other educational opportunities outside the academy for students, or*

*''(E) any other property or service specified by the eligible local education agency.''.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:*

*''(D) a qualified zone academy bond,''.*

*(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:*

*''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.*

*(3) Section 1397E is amended by adding at the end the following new subsection:*

*''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.''.*

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

*''Sec. 54E. Qualified zone academy bonds.''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.*

**SEC. 314. INDIAN EMPLOYMENT CREDIT.**

*(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

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

**SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.**

*(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.*

**SEC. 316. RAILROAD TRACK MAINTENANCE.**

*(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.*

*(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—*

*(1) by redesignating clauses (v), (vi), and (vii) as clauses (vi), (vii), and (viii), respectively, and*

*(2) by inserting after clause (iv) the following new clause:*

*''(v) the credit determined under section 45G,''.*

*(c) EFFECTIVE DATES.—*

*(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.*

*(2) The amendments made by subsection (b) shall apply to credits determined under section 45G of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2007, and to carrybacks of such credits.*

**SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.**

*(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.*

**SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

*(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.*

**SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.**

*(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.*

**SEC. 320. EXTENSION OF INCREASED REHABILITATION CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

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

**SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

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

**SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

**SEC. 323. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 324. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.**

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

**SEC. 325. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.**

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

## TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

**SEC. 401. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.**

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

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

**SEC. 402. PERMANENT AUTHORITY FOR DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.**

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

## TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

### Subtitle A—General Provisions

**SEC. 501. $8,500 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.**

(a) IN GENERAL.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,500.''.

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

**SEC. 502. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.**

(a) EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(c) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(d) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified film and television productions commencing after December 31, 2007.

(2) DEDUCTION.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2007.

**SEC. 503. EXEMPTION FROM EXCISE TAX FOR CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.**

(a) IN GENERAL.—Paragraph (2) of section 4161(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

**SEC. 504. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.**

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action In re Exxon Valdez, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

**SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.**

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 263A(e)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

(B)(vii) ..... 210''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

**SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.**

(a) IN GENERAL.—Subsection (a) of section 6694 is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

**Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008**

**SEC. 511. SHORT TITLE.**

This subtitle may be cited as the ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

**SEC. 512. MENTAL HEALTH PARITY.**

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder

*benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.*

*''(B) DEFINITIONS.—In this paragraph:*

*''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),*

*''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.*

*''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.*

*''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.*

*''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';*

*(2) in subsection (b), by amending paragraph (2) to read as follows:*

*''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';*

*(3) in subsection (c)—*

*(A) in paragraph (1)(B)—*

*(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and*

*(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and*

*(B) by striking paragraph (2) and inserting the following:*

*''(2) COST EXEMPTION.—*

*''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.*

*''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—*

*''(i) 2 percent in the case of the first plan year in which this section is applied; and*

*''(ii) 1 percent in the case of each subsequent plan year.*

*''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).*

*''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.*

*''(E) NOTIFICATION.—*

*''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.*

*''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—*

*''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);*

*''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and*

*''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.*

*''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—*

*''(I) a breakdown of States by the size and type of employers submitting such notification; and*

*''(II) a summary of the data received under clause (ii).*

*''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';*

*(4) in subsection (e), by striking paragraph (4) and inserting the following:*

*''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.*

*''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';*

*(5) by striking subsection (f);*

*(6) by inserting after subsection (e) the following:*

*''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.*

*''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';*

*(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and*

*(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).*

*(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—*

*(1) in subsection (a), by adding at the end the following:*

*''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—*

*''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—*

*''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and*

*''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.*

*''(B) DEFINITIONS.—In this paragraph:*

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following:

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

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

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

**''SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Parity in mental health and substance use disorder benefits.''.

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

**''SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

**''SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.**

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Parity in mental health and substance use disorder benefits.''.

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

## TITLE VI—OTHER PROVISIONS

### SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

**"SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

**"SEC. 2. PURPOSES.**

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

**"SEC. 3. DEFINITIONS.**

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

## "TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

### "SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

### "SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be

*considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.*

*''(2) DURATION OF ELECTION.—*

*''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.*

*''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.*

*''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—*

*''(A) any amounts that are appropriated to carry out this Act;*

*''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and*

*''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.*

*''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—*

*''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—*

*''(A) the Act of May 23, 1908 (16 U.S.C. 500); and*

*''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).*

*''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).*

*''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—*

*''(1) ALLOCATIONS.—*

*''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.*

*''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):*

*''(i) Reserve any portion of the balance for projects in accordance with title II.*

*''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.*

*''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.*

*''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—*

*''(i) reserve any portion of the balance for—*

*''(I) carrying out projects under title II;*

*''(II) carrying out projects under title III; or*

*''(III) a combination of the purposes described in subclauses (I) and (II); or*

*''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.*

*''(2) DISTRIBUTION OF FUNDS.—*

*''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.*

*''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—*

*''(i) be available for expenditure by the Secretary concerned, without further appropriation; and*

*''(ii) remain available until expended in accordance with title II.*

*''(3) ELECTION.—*

*''(A) NOTIFICATION.—*

*''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.*

*''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—*

*''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and*

*''(II) return the balance to the Treasury of the United States.*

*''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.*

*''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.*

***"SEC. 103. TRANSITION PAYMENTS TO STATES.***

*''(a) DEFINITIONS.—In this section:*

*''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—*

*''(A) for fiscal year 2008, 90 percent of—*

*''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and*

*''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;*

*''(B) for fiscal year 2009, 81 percent of—*

*''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and*

*''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and*

*''(C) for fiscal year 2010, 73 percent of—*

*''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and*

*''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.*

*''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.*

*''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.*

*''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.*

*''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:*

*''(1) Payments to the State of California under subsection (b).*

*''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.*

*''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).*

***"TITLE II—SPECIAL PROJECTS ON FEDERAL LAND***

***"SEC. 201. DEFINITIONS.***

*''In this title:*

*''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.*

*''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.*

*''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—*

*''(A) an advisory committee established by the Secretary concerned under section 205; or*

*''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.*

*''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—*

*''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or*

*''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).*

***"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.***

*''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.*

*''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.*

**"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.**

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

**"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.**

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

**"SEC. 205. RESOURCE ADVISORY COMMITTEES.**

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the

*Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.*

*''(4) EXISTING ADVISORY COMMITTEES.—*

*''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.*

*''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.*

*''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.*

*''(b) DUTIES.—A resource advisory committee shall—*

*''(1) review projects proposed under this title by participating counties and other persons;*

*''(2) propose projects and funding to the Secretary concerned under section 203;*

*''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;*

*''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;*

*''(5)(A) monitor projects that have been approved under section 204; and*

*''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and*

*''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.*

*''(c) APPOINTMENT BY THE SECRETARY.—*

*''(1) APPOINTMENT AND TERM.—*

*''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.*

*''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.*

*''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).*

*''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.*

*''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.*

*''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.*

*''(d) COMPOSITION OF ADVISORY COMMITTEE.—*

*''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.*

*''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:*

*''(A) 5 persons that—*

*''(i) represent organized labor or non-timber forest product harvester groups;*

*''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;*

*''(iii) represent—*

*''(I) energy and mineral development interests; or*

*''(II) commercial or recreational fishing interests;*

*''(iv) represent the commercial timber industry; or*

*''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.*

*''(B) 5 persons that represent—*

*''(i) nationally recognized environmental organizations;*

*''(ii) regionally or locally recognized environmental organizations;*

*''(iii) dispersed recreational activities;*

*''(iv) archaeological and historical interests; or*

*''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.*

*''(C) 5 persons that—*

*''(i) hold State elected office (or a designee);*

*''(ii) hold county or local elected office;*

*''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;*

*''(iv) are school officials or teachers; or*

*''(v) represent the affected public at large.*

*''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.*

*''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).*

*''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.*

*''(e) APPROVAL PROCEDURES.—*

*''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.*

*''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.*

*''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).*

*''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—*

*''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.*

*''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.*

*''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.*

***''SEC. 206. USE OF PROJECT FUNDS.***

*''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—*

*''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:*

*''(A) The schedule for completing the project.*

*''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.*

*''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.*

*''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.*

*''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.*

*''(b) TRANSFER OF PROJECT FUNDS.—*

*''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—*

*''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or*

*''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.*

*''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.*

*''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—*

*''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).*

*''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.*

***''SEC. 207. AVAILABILITY OF PROJECT FUNDS.***

*''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.*

*''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.*

*''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.*

*''(d) EFFECT OF COURT ORDERS.—*

*''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a*

*Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.*

*''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).*

***"SEC. 208. TERMINATION OF AUTHORITY.***

*''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.*

*''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.*

***"TITLE III—COUNTY FUNDS***

***"SEC. 301. DEFINITIONS.***

*''In this title:*

*''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.*

*''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.*

***"SEC. 302. USE.***

*''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—*

*''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;*

*''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—*

*''(A) performed on Federal land after the date on which the use was approved under subsection (b);*

*''(B) paid for by the participating county; and*

*''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.*

*''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—*

*''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and*

*''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.*

***"SEC. 303. CERTIFICATION.***

*''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.*

*''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.*

***"SEC. 304. TERMINATION OF AUTHORITY.***

*''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.*

*''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.*

***"TITLE IV—MISCELLANEOUS PROVISIONS***

***"SEC. 401. REGULATIONS.***

*''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.*

***"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.***

*''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.*

***"SEC. 403. TREATMENT OF FUNDS AND REVENUES.***

*''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.*

*''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.*

*(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—*

*(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.*

*(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.*

*(c) PAYMENTS IN LIEU OF TAXES.—*

*(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:*

***"§ 6906. Funding***

*''For each of fiscal years 2008 through 2012—*

*''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and*

*''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.*

*(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:*

*''6906. Funding.''.*

*(3) BUDGET SCOREKEEPING.—*

*(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.*

*(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.*

***SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.***

*Subparagraph (C) of section 402(i)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(1)) is amended by striking ''and $9,000,000 on October 1, 2009'' and inserting ''$9,000,000 on October 1, 2009, and $9,000,000 on October 1, 2010''.*

***TITLE VII—DISASTER RELIEF***

***Subtitle A—Heartland and Hurricane Ike Disaster Relief***

***SEC. 701. SHORT TITLE.***

*This subtitle may be cited as the ''Heartland Disaster Tax Relief Act of 2008''.*

***SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.***

*(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:*

*(1) GO ZONE BENEFITS.—*

*(A) Section 1400N (relating to tax benefits) other than subsections (b), (d), (e), (i), (j), (m), and (o) thereof.*

*(B) Section 1400O (relating to education tax benefits).*

*(C) Section 1400P (relating to housing tax benefits).*

*(D) Section 1400Q (relating to special rules for use of retirement funds).*

*(E) Section 1400R(a) (relating to employee retention credit for employers).*

*(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.*

*(G) Section 1400T (relating to special rules for mortgage revenue bonds).*

*(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.*

*(b) MIDWESTERN DISASTER AREA.—*

*(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term ''Midwestern disaster area'' means an area—*

*(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and*

*(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.*

*(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):*

*(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.*

*(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.*

*(c) REFERENCES.—*

*(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.*

*(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise*

*to any Presidential declaration described in subsection (b)(1)(A).*

*(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.*

*(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:*

*(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—*

*(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—*

*(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—*

*(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and*

*(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and*

*(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.*

*(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),*

*(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),*

*(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),*

*(E) in paragraph (3)(A)—*

*(i) by substituting ''$1,000'' for ''$2,500'', and*

*(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',*

*(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears,*

*(G) by substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C), and*

*(H) by disregarding paragraph (8) thereof.*

*(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—*

*(A) only with respect to calendar years 2008, 2009, and 2010,*

*(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears,*

*(C) in paragraph (1)(B)—*

*(i) by substituting ''$8.00'' for ''$18.00'', and*

*(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'', and*

*(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.*

*(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—*

*(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,*

*(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and*

*(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).*

*(4) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—*

*(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,*

*(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),*

*(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and*

*(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).*

*(5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act—*

*(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',*

*(B) by substituting ''December 31, 2011'' for ''December 31, 2009'' in paragraph (1), and*

*(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).*

*(6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—*

*(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,*

*(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,*

*(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),*

*(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and*

*(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.*

*(7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—*

*(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,*

*(B) by substituting ''any State in which a Midwestern disaster area is located or any instrumentality of the State'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),*

*(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',*

*(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and*

*(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).*

*(8) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.*

*(9) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).*

*(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—*

*(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,*

*(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),*

*(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),*

*(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,*

*(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,*

*(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),*

*(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),*

*(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),*

*(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,*

*(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),*

*(K) by disregarding subparagraphs (C) and (D) of subsection (c)(3) thereof,*

*(L) by substituting ''beginning on the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),*

*(M) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and*

*(N) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).*

*(11) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—*

*(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,*

*(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and*

*(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.*

*(12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:*

*''(4) QUALIFIED CONTRIBUTIONS.—*

*''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—*

*''(i) such contribution—*

*''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and*

*''(II) is made for relief efforts in 1 or more Midwestern disaster areas,*

*''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and*

*''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.*

*''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—*

*''(i) to an organization described in section 509(a)(3), or*

*''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).*

*''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.*

*(13) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.*

*(14) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—*

*(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,*

*(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and*

*(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).*

*(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.*

*(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:*

*(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—*

*(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,*

*(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and*

*(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).*

*(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.*

*(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—*

*(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and*

*(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).*

*(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—*

*(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,*

*(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and*

*(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).*

*(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.*

***SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.***

*(a) IN GENERAL.—Section 6033(b) (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:*

*''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.*

*(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.*

***SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND LOW-INCOME HOUSING TAX RELIEF FOR AREAS DAMAGED BY HURRICANE IKE.***

*(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:*

*(1) By substituting ''qualified Hurricane Ike disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Hurricane Ike disaster area bond—*

*(A) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—*

*(i) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to Hurricane Ike or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and*

*(ii) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by Hurricane Ike, and*

*(B) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to Hurricane Ike.*

*(2) By substituting ''any State in which any Hurricane Ike disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B).*

*(3) By substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C).*

*(4) By substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D).*

*(5) By substituting the following for subparagraph (A) of paragraph (3):*

*''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,000 multiplied by the portion of the State population which is in—*

*''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and*

*''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,*

*(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.*

*(6) By substituting ''qualified Hurricane Ike disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears.*

*(7) By substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).*

*(8) By disregarding paragraph (8) thereof.*

*(9) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.*

*(b) LOW-INCOME HOUSING CREDIT.—Section 1400N(c) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:*

*(1) Only with respect to calendar years 2008, 2009, and 2010.*

*(2) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.*

*(3) By substituting ''Hurricane Ike Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears.*

*(4) By substituting the following for subparagraph (B) of paragraph (1):*

*''(B) HURRICANE IKE HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Hurricane Ike housing amount' means, for any calendar year, the amount equal to the product of $16.00 multiplied by the portion of the State population which is in—*

*''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and*

*''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,*

*(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.*

*(5) Determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.*

*(c) HURRICANE IKE DISASTER AREA.—For purposes of this section and for applying the substitutions described in subsections (a) and (b), the term ''Hurricane Ike disaster area'' means an area in the State of Texas or Louisiana—*

*(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and*

*(2) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to Hurricane Ike.*

***Subtitle B—National Disaster Relief***

***SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.***

*(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—*

*(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and*

*(4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:*

*''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—*

*''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—*

*''(i) such net disaster loss, and*

*''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.*

*''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—*

*''(i) the personal casualty losses—*

*''(I) attributable to a federally declared disaster occurring before January 1, 2010, and*

*''(II) occurring in a disaster area, over*

*''(ii) personal casualty gains.*

*''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—*

*''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

*''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.*

*(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.*

*(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.*

*(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:*

*''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—*

*''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.*

*(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster''.*

*(iii) Paragraph (3) of section 1033(h) is amended to read as follows:*

*''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.*

*(iv) Section 139(c)(2) is amended to read as follows:*

*''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.*

*(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by subsection (h)(3)(C)(i))''.*

*(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.*

*(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.*

*(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—*

*(1) IN GENERAL.—Paragraph (1) of section 63(c), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:*

*''(D) the disaster loss deduction.''.*

*(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63, as amended by the Housing Assistance Tax Act of 2008, is amended by adding at the end the following new paragraph:*

*''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.*

*(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.*

*(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2009)''.*

*(d) EFFECTIVE DATES.—*

*(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to disasters declared in taxable years beginning after December 31, 2007.*

*(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.*

***SEC. 707. EXPENSING OF QUALIFIED DISASTER EXPENSES.***

*(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:*

***''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.***

*''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.*

*''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—*

*''(1) which is paid or incurred in connection with a trade or business or with business-related property,*

*''(2) which is—*

*''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster occurring before January 1, 2010,*

*''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster occurring before such date, or*

*''(C) for the repair of business-related property damaged as a result of a federally declared disaster occurring before such date, and*

*''(3) which is otherwise chargeable to capital account.*

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

*''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—*

*''(A) held by the taxpayer for use in a trade or business or for the production of income, or*

*''(B) described in section 1221(a)(1) in the hands of the taxpayer.*

*''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).*

*''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—*

*''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and*

*''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.*

*''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.*

*''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:*

*''Sec. 198A. Expensing of Qualified Disaster Expenses.''.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.*

***SEC. 708. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.***

*(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:*

*''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.*

*(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:*

*''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—*

*''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—*

*''(A) the sum of—*

*''(i) the losses allowable under section 165 for the taxable year—*

*''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and*

*''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and*

*''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or*

*''(B) the net operating loss for such taxable year.*

*''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.*

*''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.*

*''(4) EXCLUSION.—The term 'qualified disaster loss' shall not include any loss with respect to any property described in section 1400N(p)(3).''.*

*(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:*

*''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.*

*(d) CONFORMING AMENDMENTS.—*

*(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.*

*(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:*

*''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.*

***SEC. 709. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.***

*(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:*

*''(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—*

*''(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—*

*''(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before January 1, 2010, or*

*''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster occurring before such date,*

*then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.*

*''(B) PRINCIPAL RESIDENCE DAMAGED.—*

*''(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.*

*''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—*

*''(I) the cost of such repair or reconstruction, or*

*''(II) $150,000.*

*''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).*

*''(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—*

*''(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Secretary.*

*''(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disasters occurring after December 31, 2007.*

***SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.***

*(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:*

*''(n) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—*

*''(1) IN GENERAL.—In the case of any qualified disaster assistance property—*

*''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified disaster assistance property, and*

*''(B) the adjusted basis of the qualified disaster assistance property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.*

*''(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—*

*''(A) IN GENERAL.—The term 'qualified disaster assistance property' means any property—*

*''(i)(I) which is described in subsection (k)(2)(A)(i), or*

*''(II) which is nonresidential real property or residential rental property,*

*''(ii) substantially all of the use of which is—*

*''(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and*

*''(II) in the active conduct of a trade or business by the taxpayer in such disaster area,*

*''(iii) which—*

*''(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and*

*''(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,*

*''(iv) the original use of which in such disaster area commences with an eligible taxpayer on or after the applicable disaster date,*

*''(v) which is acquired by such eligible taxpayer by purchase (as defined in section 179(d)) on or after the applicable disaster date, but only if no written binding contract for the acquisition was in effect before such date, and*

*''(vi) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).*

*''(B) EXCEPTIONS.—*

*''(i) OTHER BONUS DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include—*

*''(I) any property to which subsection (k) (determined without regard to paragraph (4)), (l), or (m) applies,*

*''(II) any property to which section 1400N(d) applies, and*

*''(III) any property described in section 1400N(p)(3).*

*''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).*

*''(iii) TAX-EXEMPT BOND FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.*

*''(iv) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).*

*''(v) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.*

*''(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of subsection (k)(2) shall apply, except that such subparagraph shall be applied—*

*''(i) by substituting 'the applicable disaster date' for 'December 31, 2007' each place it appears therein,*

*''(ii) without regard to 'and before January 1, 2009' in clause (i) thereof, and*

*''(iii) by substituting 'qualified disaster assistance property' for 'qualified property' in clause (iv) thereof.*

*''(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.*

*''(3) OTHER DEFINITIONS.—For purposes of this subsection—*

*''(A) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.*

*''(B) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term under section 165(h)(3)(C)(i).*

*''(C) DISASTER AREA.—The term 'disaster area' has the meaning given such term under section 165(h)(3)(C)(ii).*

*''(D) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.*

*''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.''.*

*(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.*

***SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.***

*(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:*

*''(e) SPECIAL RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—*

*''(1) IN GENERAL.—For purposes of this section—*

*''(A) the dollar amount in effect under subsection (b)(1) for the taxable year shall be increased by the lesser of—*

*''(i) $100,000, or*

*''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and*

*''(B) the dollar amount in effect under subsection (b)(2) for the taxable year shall be increased by the lesser of—*

*''(i) $600,000, or*

*''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.*

*''(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 disaster assistance property' means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 168(n)(2)).*

*''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.*

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d)(10) shall apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

**SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.**

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

**TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY**

**SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

**''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.**

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

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

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

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

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

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

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Amend the title so as to read: ''An Act to provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purpose''.

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

The text of the motion is as follows:

Mr. Frank of Massachusetts moves that the House concur in the Senate amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 1525, the motion shall be debatable for 90 minutes, 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 gentleman from Massachusetts (Mr. FRANK) and the gentleman from

Alabama (Mr. BACHUS) each will control 30 minutes; and the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and add extraneous material thereon.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

Mr. RANGEL. Madam Speaker, today is a historic day in the United States Congress as the President has called on us to meet the challenge of the failure of the mortgage market, and our failure to do that would not only cause a crisis in the United States but throughout the world.

□ 1045

Seven hundred billion dollars we've asked to expose the taxpayers to from an administration that all I've heard in the last 8 years is that we have to keep government out of the free market, that government and regulations would strangle our economy.

And the fact is that in such a short period of time, had it not been for BARNEY FRANK and people on the other side of the aisle in trying to do the best we can, we leave here with a heavy conscience that if we do nothing then the sacrifice will be felt by employees, their thrift accounts, their savings accounts, and small businesses.

So, in a sense, we have a political gun at our heads that we can't afford to say that we know better, and so most of us have agreed that Secretary Paulson and economists have given us fair warning.

Now, that's enough and it's complicated enough, but then we have had the threat of tax bills that expire at the end of the year. Companies that have relied on tax credits, individuals who relied on it, expire. And four times we sent energy bills to the other body, and four times they've ignored it.

Included in these bills, of course, has always been disaster relief, and all of us believe these people should get it; mental health parity, which God knows all of us that have any sensitivity recognize that this inequity has to be taken care of; and of course, the alternative minimum tax, that no Member in this House or the other body can ever explain to taxpayers why this over $60 billion burden should fall on their shoulders because the Congress didn't think far enough ahead in order to adjust this tax for inflation.

And so in a sense, Madam Speaker, we're being told that the burden would fall on 25 million people by the Senate, by our constituents and the country and entire world, by the administration if we don't have this $700 billion rescue bill. And I just hope and pray that sometime historically we might be able to regain the power that we used to have in the House, introduce bills, have hearings, and fully understand what we're doing rather than having to yield to the threat of disaster, whether it's fiscal or whether it's tax liability.

I see JOHN TANNER walking on the floor, and I do want to say that he's an outstanding member of our committee. He's been talking about the deficit for a long time, and his contribution to this package, I'd like to point out, has made him a proud member of our committee and the Congress.

I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield myself so much time as I may consume, and it won't be much.

Madam Speaker, a little over 20 years ago, I made my first speech on the floor of the House of Representatives. Today could very well be my last speech on the floor of the House. I hope it's not. I hope we come back in a lame duck session to consider pending trade legislation, but this could be my last speech. And I had a real stemwinder prepared, Madam Speaker, but unfortunately, we only have 15 minutes of time that Ways and Means controls, and I have many more speakers than I have time.

So, with the Speaker's indulgence, I will submit my remarks for the RECORD.

Madam Speaker, on May 5, 1988, during Floor debate on a defense authorization bill, I rose as a freshman Member to address this House for the very first time, urging my colleagues to support an amendment in the name of fiscal responsibility. My very first words on the Floor that day warned of the dangers of the growing national debt. Over the two decades since, I've made scores of speeches and cast more than 11,000 votes in this historic chamber, representing the hard-working taxpayers of Louisiana to the best of my ability.

While I certainly hope we can return in November to complete action on our unfinished trade agenda, Madam Speaker, I rise today for what may be my final Floor speech as a Member of this body. As someone who has spent his entire career fighting for smaller government, freer markets, and greater economic liberty for all Americans, it is sadly ironic that I speak today in favor of a plan that, on its surface, appears to run counter to those principles.

Indeed, Madam Speaker, this proposal seems to undermine the very foundations of capitalism, upending the economic incentives that drive entrepreneurial risk-taking. In America, we rightly celebrate our freedom to succeed in economic ventures. But in America, we're also supposed to be free to fail in those ventures, without expectation of a bailout from fellow taxpayers.

By rushing in with $700 billion in taxpayer dollars to address the current crisis, I fear we are greatly increasing the moral hazard associated with economic risk-taking. I resent the level of government interference in the private market we see in this bill, and I hope it does not set a precedent that Congress follows in the future.

Despite my grave concerns about this proposal, Madam Speaker, the weight of the evidence says we need to act—not to bail out the Wall Street titans, but instead to stabilize the credit markets upon which Main Street depends.

Over recent weeks, I have listened carefully to experts on all sides of this issue, to constituents with a variety of strongly-held views, and to the voice of the U.S. Senate, which passed this emergency plan on Wednesday by a 74–25 vote. On balance, I am convinced that the Treasury Secretary needs to have appropriate authority to halt our Nation's slide into what could become a profound and extended economic downturn. If that were to occur and our financial markets were to collapse, I believe it could open the door to even more government interference in the private marketplace and to even less economic freedom for all Americans.

We must not let that happen. The stakes are simply too high, and the risks to our economy, and our freedoms, are just too great. The circumstances are exigent, Madam Speaker, and, in my judgment, we need to act now.

In addition to three tax provisions contained in the financial rescue portion of the bill—provisions dealing with the treatment of executive compensation, capital losses incurred by banks holding preferred stock in Fannie Mae and Freddie Mac, and the tax exclusion for forgiven debt on home mortgages—the bill before us also includes the Senate's comprehensive tax extenders package. This is a positive development, Madam Speaker, because the Senate's tax package provides more than $107 billion in net tax relief to U.S. families and businesses.

With enactment of this bill, we will finally resolve the tax dispute that has divided Republicans and Democrats for the entirety of the 110th Congress, delaying action on the AMT patch and other tax extenders, including a variety of energy-related tax incentives.

Over the past 2 years, Republicans have insisted that we should not have to raise taxes to prevent the tax increases that would result from the scheduled expiration of existing tax law. Democrats, meanwhile, have insisted that the House's paygo rules require us to find offsets for extensions of expired or expiring tax law.

This comprehensive package—previously approved as a free-standing bill by the other body by an overwhelming vote of 93 to 2—represents a bipartisan compromise, much like the financial rescue plan to which it has been attached. It contains extenders provisions that are not fully offset—as many Democrats would prefer—but contains more offsets than many Republicans would like, including some on domestic oil and gas producers that I find particularly troubling.

It is certainly not a perfect package, Madam Speaker, but with adjournment looming, it is the only package that can pass both chambers and actually be enacted into law.

Specifically, this package will protect millions of middle-class taxpayers from falling victim to the AMT in 2008. It provides more than $48 billion in tax relief by extending through

2009 various expired and expiring provisions affecting U.S. families and businesses. And it contains an $18 billion package of energy-related tax incentives, including the creation of a new tax credit for plug-in electric vehicles.

The package also contains a set of disaster-related tax relief provisions, including both nationwide tax relief and targeted tax relief for the victims of this summer's Midwestern storms and for victims of Hurricane Ike in Louisiana and Texas. Finally, the Senate's comprehensive tax package contains several non-tax provisions of significant interest to many Members on both sides of the aisle, including mental health parity and a reauthorization of the Secure Rural Schools program.

All in all, this is a good, bipartisan package of tax proposals, Madam Speaker, and I think its inclusion improves the overall financial rescue package before us by providing important tax relief to our nation's families and businesses at a critical time for our economy.

So today, I will cast my vote for this economic stabilization plan, sobered by the reality that our failure to act could have unprecedented, catastrophic consequences for our country and the economic freedoms for which I've long fought as a Member of this great institution.

I yield 3 minutes to the distinguished minority whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding, Madam Speaker.

I'm glad we're here at this work today. I do think that the bill has improved and the situation has clarified from Monday. We need to come together. We need to get this work done. It's incredibly important. It seems to me that two significant things have happened: one, the changes in the bill that others will talk about and I will talk about a little bit; and two, the changes at the Securities and Exchange Commission and the Accounting Standards Board that have set forth a new way to evaluate these assets that are causing so much trouble in the marketplace.

Now, where I live, nobody talks about illiquid assets. They talk about mortgages. They talk about how to pay the bills. They talk about whether they can borrow money or not, and at the end of the day, Madam Speaker, that's what this bill is about.

It's not about Wall Street. It's about Main Street. It's not a bailout. It's a situation where American taxpayers are going to invest money in a way that ensures they have a return. I think with the work we've done here, we've not only ensured that they're likely is never likely to be a question of return, but beyond that, if at the end of 5 years taxpayers would appear have lost any money, the President will propose and Congress will act on a set of recommendations that go back to the agencies that participated and say we're going to recover whatever was lost.

This is a chance where American taxpayers are investing in their own future. This is an opportunity where people are helping stabilize a market. We saw a bank purchase this week where it looked like the government would have to be part of the purchase, but after the government came in and said here's how we're going to work to stabilize the situation, suddenly there's a market and suddenly that purchase is much different than it would have been without government participation.

This bill allows that kind of stabilization. This bill protects taxpayers. This bill has every known oversight mechanism ever conceived of by government in it now. None of those were asked for initially by the administration but they're all there now, a special Inspector General, a board that sets policy, a congressional oversight group, GAO with special authority, ultimate transparency.

This is a bill the taxpayers can look at and say this is well beyond the proposal that came to the Congress. It has a transparency. It has the oversight. It has the guarantees that taxpayers should ask for, but it also has lots of options, options that weren't in the original proposal, not just to loan money, not just to purchase mortgages and other securities, but to set up an insurance plan so if that's one of the things that would make more sense in certain areas it can be used.

It's a critical moment.

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

Mr. MCCRERY. I yield the gentleman an additional 30 seconds.

Mr. BLUNT. I'd like to put in the RECORD, Madam Speaker, a letter I received from the Secretary of the Treasury talking about the rules and regulations that they will pursue that will assure that eligible financial institutions must be established and regulated to have significant operations in the United States. It's not talking about foreign banks. Also requiring that—in the letter that they will set up rules and regulations so that people participating in this program won't benefit from this program.

DEPARTMENT OF THE TREASURY,
*Washington, DC, October 2, 2008.*

Hon. ROY BLUNT,
*House of Representatives,*
*Washington, DC.*

DEAR MR. BLUNT: I am writing regarding the Emergency Economic Stabilization Act of 2008.

The Act requires that eligible financial institutions must be established and regulated and have significant operations in the United States. Furthermore, it is the intention of the Department of the Treasury that all mortgages or mortgage-related assets purchased in the Troubled Asset Relief Program will be based on or related to properties in the United States.

The Act requires the Department of the Treasury to prevent unjust enrichment of financial institutions selling troubled assets into the Troubled Asset Relief Program, including preventing the sale of a troubled asset to the Treasury at a higher price than what the seller paid to purchase the asset. The Act specifies a single exemption for troubled assets acquired in a merger or acquisition or a purchase of assets from a financial institution that is established and regulated in the United States and that is in conservatorship, receivership or bankruptcy. The Department of the Treasury believes this exemption is important to encouraging healthy institutions to pursue acquisitions of struggling institutions. Such acquisitions help to protect depositors, taxpayers and the financial system.

The Department of the Treasury will issue regulations or guidelines necessary to address and manage or to prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under the Act as soon as practicable after the date of enactment.

Sincerely,

HENRY M. PAULSON, Jr.

Mr. RANGEL. Madam Speaker, I ask unanimous consent that I be allowed to say farewell to my friend JIM MCCRERY without having it attributed to the allotted time.

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

There was no objection.

Mr. RANGEL. I had no idea that we would be coming back here and I would have this opportunity, but for some of us being Members of Congress, and especially members of the Ways and Means Committee, it has been a special privilege.

This historic committee, however, has had its ups and downs with partisanship, the likes of which we had not seen on the committee or in the House of Representatives.

I hardly knew JIM MCCRERY during the years he was on the committee because the other side was dominated by one personality, but as soon as things changed and I had the opportunity to meet and talk with him as the ranking member, I not only found a scholar and a gentleman, but I found someone who loved his country and Congress more than he loved the partisanship.

It wasn't as though we have been able to resolve many of the crises that exist in our committee, but the one thing that he did do, and it will continue after he leaves us, is to create a climate where we had a degree of respect for each other and especially when we needed that respect, when we disagree and our parties disagree.

His legacy, even though he leaves, will continue to know that in this House no matter how frank we are politically, we still can be civil. We still can get things done, and even when we're not successful, we can work in such a manner that other people following us would know that we can disagree without being disagreeable.

So, JIM, I speak for all of the Democrats on the committee, for the tone, for your congeniality, for your humor, for the wisdom that you contributed, and I know that it's been awkward for your party and mine at times to do the things that we wanted to do. We started off dealing with the Secretary Treasurer and we promised him we'd do the world. Unfortunately, we didn't check with our leadership on a lot of things that we thought we could do.

But we will continue to do that, and I do hope that the lessons that you taught so many of us will continue long after you're gone.

Madam Speaker, at this time, I yield 1 minute to the distinguished chairman of the Health Subcommittee, who's worked hard on the overall bill before us today, Chairman PETE STARK from California.

Mr. STARK. Thank you, Mr. Chairman, and unfortunately, I have to urge my colleagues to vote ''no'' on this bill.

Somebody in the press not so long ago earlier this week said eight out of 10 of my colleagues know nothing about economics or banking, and this bill shows that he was quite right.

This bill does nothing but bail out Wall Street and large corporate America. It spends $800 billion that the taxpayers will end up having to pay for, and it does nothing for middle Americans.

Is there a crisis in this country? Yes, there is, but there is not a crisis for those people who have been working, trying to pay their bills. There's not a crisis for your average community bank who has no problem with liquidity. There is not a crisis for your credit cards being unable to work.

That's Paulson's way to scare us, as Colin Powell tried to scare us some years ago by saying if we didn't vote for an ill-conceived war we'd see terrorists on the streets.

We're getting the same kind of misinformation now, the same kind of rush to judgment to tell you that a crisis will occur. It won't. Vote ''no.'' Come back and help work on a bill that will help all Americans.

Mr. MCCRERY. Madam Speaker, I want to first say how much I appreciate the very kind words of the gentleman from New York and appreciate very much the opportunity to have worked with him over the last couple of years. He has been more than gracious to me and to all the members of the committee, and so his words were heartfelt, and I very much appreciate them.

With that, I yield 2½ minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from Louisiana for yielding.

Last week, I voted ''no'' on this bill for two reasons. Number one, I don't like to hurriedly vote on significant legislation. I'd rather do it thoroughly and deliberately.

The second reason, my telephone calls and e-mails were overwhelming in opposition against the bill. On Monday I voted ''no.''

The telephone calls and e-mails continued to be overwhelming, but guess what: Then in favor of the bill. Now I'm not exclusively dictated by telephone calls and e-mails, but neither do I dismiss them, Madam Speaker.

□ 1100

And I weighed this very carefully. And by having waited, I think we did improve the bill.

The increase of the FDIC threshold to $250,000, a good move; the AMT patch that will affect favorably 21 million middle class families, a good move; SEC, I am told, Madam Speaker, is addressing or has addressed the mark-to-market issue, a good approach. Compelling arguments can be proffered on both sides of this issue, but I believe, Madam Speaker, that inaction is not an option.

I don't believe the sky is falling. I was told that earlier and I refuted it. And I think when I disagree with the sky falling charge, that's not irregular for me to refute it.

Now, this vote for me, I am voting ''aye'' today, and it may be politically damaging. And the sky may fall tomorrow, but it will fall upon my head; it won't fall upon anyone else's, and no one else will be adversely affected.

I believe that the limited access to credit—and in many instances no access to credit—can certainly contribute to a crisis. And we can put on blinders and go one way or the other, but I think this is a bill that must be addressed today, it must be addressed in a positive way, both sides of the aisle. My friends to the left, my friends on this side have done a good job, I think, in crafting it, and I am pleased to announce that I am voting ''aye'' when the vote is called later.

I thank the gentleman for having yielded to me.

Mr. RANGEL. Madam Speaker, I yield 1 minute to Mr. NEAL, an outstanding member of the Ways and Means Committee who has done a great job for all of us.

Mr. NEAL of Massachusetts. First, let me thank Congressman FRANK; he did a good job under very difficult circumstances, as did Mr. RANGEL with the tax extenders that are part of this bill.

This is imperfect legislation, like much legislation that comes to the floor of this House, but we need to pass it today.

The national principle here is at stake. If there's a hurricane in Louisiana, we all come to the aid of the American family. If there's a forest fire in California, we all come to the aid of the American family. If there's a blizzard in New England, we all come to the aid of the American family. And that's precisely what this legislation does today.

Next week, when people are having difficulty getting a car loan, trying to refinance their mortgage or looking at their 401(k) plan, we acknowledge that they are all members of the American family, and we attempt today to come to their aid.

There is relief here for alternative minimum tax victims; 25 million people will benefit. Twelve thousand businesses are waiting for incentives for the R&D credit. Four million families and three million teachers are waiting for their deductions for education expenses. Thirteen million children in low-income families can finally claim the child tax credit.

This is a piece of legislation that helps the American family.

Mr. MCCRERY. Madam Speaker, it's a pleasure to yield 2 minutes to the distinguished gentleman from Michigan, the ranking member on the Health Subcommittee of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. Madam Speaker, I also want to commend the gentleman from Louisiana for his leadership, for his thoughtful approach to issues, for his service to the Ways and Means Committee and to the Congress, and especially for his friendship.

I rise in support of the Senate amendment to H.R. 1424. Is this better than the original Paulson proposal? Yes. Is this bill perfect? Hardly. And this bill is better, especially for taxpayers.

The bill resolves the remaining tax items before the Congress. After months of delay, the House will finally do what Republicans called for back in June, pass an AMT patch without increasing taxes. Without the patch, more than 25 million American families would pay an additional $62 billion in taxes. We must provide this relief sooner rather than later, and I'm pleased this will finally be done without raising taxes.

By passing this bill today, Congress will extend for 2 years the wide array of important tax credits and deductions so many families and employers rely on. We are reaffirming to the auto industry and consumers that incentives for the purchase of alternative fuel vehicles will remain law. This is something I have pushed for hard in the House. And this new plug-in credit, like the hybrid credit that I offered in 2005, will spur consumer demand for alternative vehicles and lessen our dependence on foreign oil.

With this bill, we are providing certainty to businesses that are investing heavily in research and development. The Senate amendment extends the R&D credit through 2009 and increases the alternative simplified credit. This is a step in the right direction. We must make the credit permanent to attract high-tech businesses and compete in today's global economy and to keep jobs here in America. Myself and Mr. LEVIN, my colleague from Michigan, have championed legislation to do just that, and I look forward to making this goal a reality in the next Congress.

Madam Speaker, I urge my colleagues, Republican and Democrat, to support this legislation so that Congress can provide stability to our financial system and give American workers and businesses the tax relief they so desperately need and deserve.

Mr. RANGEL. Madam Speaker, there is no one in this House that cares more about the tax burden that we're putting on the next generation and the children that follow than the gentleman from Tennessee (Mr. TANNER). He has made a great contribution in improving this bill, and he continues to be a watchdog of the deficit that this administration has taken us in.

I yield 2 minutes to the gentleman.

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

Mr. TANNER. Mr. Chairman, I, too, want to join you in thanking Mr. MCCRERY for his work here. I have enjoyed working with you very much, JIM.

I want to speak about section 134 of the bill. But before I do, I've just got to say that some of us in this body are so thoroughly disgusted with the other body right now in the way this bill has been handled. We've found that it doesn't take a lot of political courage to spend somebody else's money that can't vote. And we had, from our committee, the extender package paid for or offset by people who didn't object to the offsets. And because of the Senate rules—or the other body's rules and the ability for some over there to object to a unanimous consent request—they sent it back over here on top of a must-pass bill that is unpaid for and one of the reasons we're in the shape we're in right now. And so I just had to express utter disgust and frustration with the way that it was handled in the other body.

Now, as it comes to the bill, when the Secretary came over here with the bill, it was a bailout; it was public risk and private gain. By the wisdom of the body here, we put section 134 of the recoupment clause in which now makes it private risk and public gain, which is the way it ought to be. It is now a situation where we're not talking about bailing out Wall Street or the high flyers. If, at the end of the day, there is a shortfall in the Treasury of the United States, then they will be assessed that shortfall and the Treasury will be made whole by section 134 of the recoupment clause.

What the bill does now is it attempts to protect all Americans who have an IRA, a 401(k), or part of a State or local government pension plan. That's why I'm going to vote ''yes'' even though I am so thoroughly disgusted with what the Senate put on it.

Mr. MCCRERY. Madam Speaker, may I inquire as to the remaining time on each side.

The SPEAKER pro tempore. The gentleman from Louisiana has 6½ minutes remaining; the gentleman from New York has 7 minutes remaining.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California, a member of the Ways and Means Committee, Mr. NUNES.

Mr. NUNES. Madam Speaker, our economy has slowed to a crawl and American workers are worried about their jobs. These conditions are clear arguments for action by our government, and action should be taken.

The question each of us needs to ask ourselves is whether or not the Paulson plan is the best course of action. In my view, it's not. I made no secret of my frustration and disapproval for the sense of panic instilled upon the public by Wall Street insiders and some of our Nation's elected leaders.

Madam Speaker, this is not a time for panic; it's a time for leadership and it's a time for deliberation. Congress must not be confined to a timetable dictated by alarmists who see the government money as their only backstop again, irresponsible lending. Investors take risks, sometimes the risks they take are reckless. Taxpayers must not be liable for Wall Street risk-taking.

Madam Speaker, the American people do not accept the allegation that we have only two alternatives before us: passage of this bill or another Great Depression. There are other options if congressional leaders had the courage to allow this democracy to function. We could debate these issues.

We need to make certain that our Nation's lending institutions are the strongest in the world and that our constituents have confidence that they have a safe place to put their money. One way to accomplish this is to let the Fed purchase preferred shares with warrants. This would infuse capital into the market, freeing up banks to make loans and extend credit.

The plan that I and others have proposed to this Congress is in sharp contrast to the Paulson plan and offers real protection to the taxpayer. Why do we need to give $700 billion to one man to play hedge fund god from the gilded offices of the United States Treasury? If the Secretary wants to run a hedge fund, he should go back to Wall Street.

This Congress must not hand over such an enormous amount of money; it is simply wrong. It's irresponsible. Listen to all the pundits, all the financial wizards, the holier-than-thou capitalists from our Nation's leading institutions; they sound like they belong to the Soviet Politburo. When the markets are riding high, they want us to leave them alone. When the market crashed, they want to us nationalize their debt.

Madam Speaker, I urge my colleagues to vote ''no.'' However, if this bill passes, it is my hope that the administration will focus first on shoring up our Nation's lending institutions.

Mr. RANGEL. At this time, I yield 1 minute to Mr. BLUMENAUER of Oregon, one of the outstanding members of our committee, the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his leadership. And thanks to the leadership of Mr. FRANK, Speaker PELOSI and the House Republicans, we have part of this bill before us today that is somewhat better, but it sadly adds $150 billion of largely unpaid for tax breaks, frustrating for me because many of these provisions like alternative energy too credits and secure rural schools are provisions I fought for for years and are very important.

Madam Speaker, as members of the public and Congress learn more about these problems and the solutions, I must say I have never seen more diametrically opposed opinions, and even people explaining about the facts in their business. But if this bill passes, which it appears that it will today, it ignores the underlying problem of a housing market in free-fall, and it ignores the plight of six million homeowners who are facing foreclosure in the next 2 years.

If there was ever a time to give the same bankruptcy protection to American homeowners that Donald Trump will get the next time he takes bankruptcy for his casinos and for his fourth vacation home, that time is now. It needs to be in this legislation, and I'm sadly disappointed that it is not. In makes long term recovery harder and more painful.

Mr. MCCRERY. I yield 2 minutes to the gentleman from Tennessee, a distinguished Member of this House, Mr. WAMP.

Mr. WAMP. Madam Speaker, nobody in east Tennessee hates the fact more than me that I'm going to vote ''yes'' today after voting ''no'' on Monday. Monday, I cast a blue collar vote for the American people, shook the foundations of Wall Street, demanding more accountability. But today, I'm going to cast a red, white and blue collar vote with my hand over my heart for this country because things are really bad and we don't have any choice. We're out of choices, our backs are up against the wall.

All week we fought for some improvements. And the increase in the FDIC limits from $100,000 to $250,000 is an improvement. The mark-to-market changes which will allow these mortgage-backed securities to move and free up liquidity will help a lot because small business people can't meet their payroll. This month, many of them in east Tennessee are not going to be able to meet their payroll. Pension funds in east Tennessee, thousands and tens of thousands of people I represent are upside down and it's happening fast. The cost of inaction is greater than the cost of this bill.

The $700 billion is a loan. Warren Buffet said Wednesday night it's a good business deal, he would take it, the government is going to get their money back. He knows more about this than anybody in this House, to be honest with you. He feels good about it. I don't like this at all. As a matter of fact, I hate it. It's disgusting that we would ever be brought to this floor to have to cast this vote, but we're out of options. We don't have a month to rewrite a new bill.

Things are critical. We don't even have gas at the stations in east Tennessee. Economic anxiety is hurting the families. I've been listening to small business people all week long and they said, thanks for voting ''no'' on Monday and thanks for standing up for us, but you've got to do something.

Congress has to act. We're out of options. Hold your hand over your heart and vote ''yes.''

Mr. RANGEL. Madam Speaker, Mr. JOHN LEWIS is a subcommittee chairman on the Ways and Means Committee and sometimes described as ''the conscience of the Congress.'' I regret I only have 1 minute to yield to him at this time.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my chairman for yielding.

Madam Speaker, I have decided that the cost of doing nothing is greater than the cost of doing something.

The fear that is gripping Wall Street has the power to shut down Main Street. We cannot and we must not allow this to happen. The people are afraid. Their retirement savings are slipping away. Small businesses have no sales, no credit, and are closing their doors. People cannot get loans, they're losing their lines of credit. We must act. Now is the time to act. We must do something.

I do not see this as a blank check. In a few months, we will have a new President and a new Congress. We must hold the feet of these financial institutions to the fire. It is with this assurance that I will vote ''yes'' on this legislation.

The SPEAKER pro tempore. The gentleman from Louisiana has 2½ minutes remaining.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Thank you, JIM MCCRERY, for your leadership throughout the years on this issue and so many other important ones.

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Congress must act. Our Nation faces the fiercest financial crisis in our lifetime, and for lawmakers entrusted with America's prosperity to stand by and do nothing, that's no longer an option.

I don't like this bill any more than my constituents do. The thought of our interfering in the marketplace, of spending taxpayer dollars for irresponsible Wall Street firms, it makes my constituents angry and me too. But the fact of the matter is these bad loans have infected too much of America's economy and they threaten the world's economy as well. And make no mistake, if these Wall Street financial companies go down, our businesses and families in Texas are pulled down with them.

Families in my district are already watching their life savings disappear before their eyes. I met a Texas worker. She only had $15,000 in her savings; she lost $8,000 of it over the past 2 weeks. I talked to a woman who stopped me in my car as I was leaving my neighborhood, and she said she and her husband have a small business. Their good customers can't get the credit to buy their products anymore. For the first time in 17 years since they started their business, she is truly frightened. And I ask myself why should our local families, why should our local communities pay the price in lost jobs and lost savings because of Wall Street greed? Haven't these Wall Street companies caused enough damage?

This is not my solution. This is not the only solution. America faces tough times. We're going to have to come right back in November, in my opinion, and bring about the reforms to stop this from happening again. But I am going to vote ''yes'' again to pull this Nation back from its economic brink and protect the families and jobs and small businesses in Texas.

Mr. RANGEL. Madam Speaker, I would like to yield to Mr. KIND of Wisconsin for 1½ minutes.

Mr. KIND. I thank my good friend for his courtesy and his leadership on this issue.

Madam Speaker, we have before us today, because of our friends in the Senate, the granddaddy of all jams. They took an incredibly important economic rescue plan and loaded it up with a bunch of extraneous, unrelated items that weren't paid for. They're in essence holding a gun to our head today daring us to vote ''no.'' But, unfortunately, we gave them that gun last Monday because of the failure of this Chamber to act. And the credit markets are continuing to freeze up, and my concern is unless we take action today, many innocent people back home and throughout America will suffer the consequences.

The plan we have before us today, the rescue plan, is vastly different from the original one sent to us by the administration. Today it's about protecting Main Street, not Wall Street. It's about protecting the American taxpayer, not CEOs' salaries. We have included in here important oversight, transparency, accountability provisions to protect the American people. And time is of the essence. But at some point and some time, we have to have the political will and the courage to start paying for things again in this country so we do not leave a legacy of debt for our children and grandchildren. We won't accomplish that today, but time is of the essence and we must move this rescue plan forward to avert a much wider disaster tomorrow.

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

Mr. RANGEL. Madam Speaker, at this time, to Mr. PASCRELL from New Jersey, a great member of the Ways and Means Committee, I would like to yield 1½ minutes.

Mr. PASCRELL. Madam Speaker, if we had approved the legislation on Monday, we would not have been able to pass the tax extenders package, which includes business and energy tax extenders. The AMT patch, we all worked hard on that across the aisle, whether you wanted to pay for it or not was the debate, and the additional disaster assistance as well as mental health parity. I think these are important.

Alexander Hamilton, my idol, was very clear that there are immutable principles of moral obligation. Monday I voted ''no,'' and I know that the enemy of the good is the perfect. But since Monday we have improved certain parts of the bill. And there is some junk in this bill. There are no two ways about it. But that is not unique on this bill.

So to help the American people, I am now supporting today's financial package. And it's really the McCrery-Rangel team that got me to this point.

You guys have worked closely together. You are a good model and example for what we should be doing.

I pray that I'm doing the right thing. I believe so in my heart. God bless this country. We will prevail.

Madam Speaker, the legislation we have before us today arises at a vital time when Americans are suffering under a rapidly failing financial market and collapsing housing market.

My "no" vote on Monday was among one of the most difficult votes I have had to cast in my 12 years as a Member of Congress.

My goal in Congress has always been to fight for the best interest of ordinary Americans—to fight for the American worker, the American small business owner, the people who make up the heart and soul of our nation.

I thought of them when I voted "no" on Monday because that bill fell short of helping those people who are suffering the most from this financial crisis.

Today, I stand before you far from assured that this legislation is a s good as it can be but understanding that we cannot stand back and allow our financial markets, credit markets, housing market, pension plans, and small businesses to collapse under the weight of the errors made by Wall Street.

Lead by Speaker PELOSI and Chairman FRANK we have taken an inadequate 2½ page proposal and developed a more substantial bipartisan piece of legislation which we present today.

I support the addition of the increase to the Federal Deposit Insurance Corporation, FDIC. It is exactly the type of bottomup, community approach we need to put liquidity back in to Wall Street.

Furthermore, if we had approved the bill on Monday we would not have been able to pass this tax extenders package that includes business and energy tax extenders, an AMT patch, additional disaster assistance as well as mental health parity.

I am certainly disappointed that these provisions are not paid for but it would be unconscionable to allow the American people to suffer without this tax relief.

Today's bill is not perfect but we have done what we needed to do for the American people. In truth if you gave every Member of Congress a chance to draft a proposal to address this crisis we would have 435 bills in front of us today—the enemy of the good is the perfect.

Since Monday we have improved this bill to help the American people and therefore I am supporting today's financial rescue package. I urge all my colleagues from both sides of the aisle to vote "yes" on Emergency Economic Stabilization Act of 2008.

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

Mr. RANGEL. Madam Speaker, at the Speaker's request, I would like to yield 1 minute to Mr. SHERMAN of California.

Mr. SHERMAN. Madam Speaker, I thank the gentleman for 1 minute. I can't possibly in that minute describe the problems with this bill. I hope people will pick up the blue paper that I'm distributing.

But what they have done to the bill is they have added special tax breaks for those who import bows and arrows, and those who import wool, thus displacing American products as part of the economic recovery package. That's why it's not the economic recovery package. It's the pork-laden, earmark-laden Wall Street bailout bill. It is a bill that will send hundreds of billions of dollars not for bad investment decisions made in America but to buy toxic assets currently in the safes in London and Riyadh, Saudi Arabia, and Beijing. It is a bill that will allow million-dollar-a-month salaries, and $5 million-a-month salaries, to be paid to executives who have driven their firms into the ground and now need a taxpayer bailout. It is a bill that provides for an oversight board that critiques, but cannot stop anything.

Vote ''no'' now. We will stay in town and write a good bill.

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

Madam Speaker, the bill before us today, certainly the tax portion of the bill today, represents a compromise. These extensions of expiring provisions of the Tax Code have been bandied about here in the House back, over in the Senate, back and forth all year long, including the patch on the alternative minimum tax. I'm gratified that we were able to come together to present the tax extenders in this package because I believe very strongly in the overwhelming majority of those provisions. I think they're good, sound tax policy. Members of this House have voted for all of them many times over.

So, Madam Speaker, I encourage a ''yea'' vote on this bill, especially for the tax extenders.

Mr. RANGEL. Madam Speaker, I would like to yield the balance of my time to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the chairman for yielding.

Madam Speaker, this is not a rescue package solely for Wall Street nor is it for New York City nor for New York State. In fact, I would argue with you, all of my colleagues, that it will take many years for New York City and New York State to recover from the downturn of Wall Street.

This is more about our country, about the United States, and our economic woes today. It's about 401(K) plans, about investment plans of my mother on 65th Street in Woodside, Queens. She saw that decline just a few days ago. This is about all of our constituents who have seen a loss over the past few days. It's about the health of our entire economy. And ladies and gentlemen, my colleagues, this is not just the United States. The entire world is looking at us today and looking to see us vote in favor of this bill.

Would we like the luxury of more time to hold more hearings and have more due process? Of course we would. We'd like to have months to do that. But we simply don't have the time. We don't have that luxury. We cannot afford that.

What we have to do, ladies and gentlemen, is do the right thing and vote in favor of this package.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have limited time here, and I want to explain to the Members that I will be devoting most of my time to colloquy with Members who have serious concerns about this bill.

I believe this bill has a great deal more in it in a number of areas, including in particular avoiding foreclosures, than people have recognized. I at this point will insert into the RECORD under General Leave a letter from the American Banker, in which Sheila Bair, who is one of the best regulators we have ever had, who has been using her authority over the mortgages she inherited through the IndyMac failure to really provide foreclosure relief, and she says in this: ''The provision would allow the Treasury Department to provide credit guarantees and enhancements on whole loans.'' Ms. Bair said in an interview Thursday, ''They can have so much bigger bang for their buck.'' She asked us to put this in. We put it in. It may be obscure, but it in and of itself will lead to a great deal of help for people with mortgages.

What I will be doing, Madam Speaker, during this debate is yielding time for colloquies to Members who are seeking clarification of points in the bill, many of them involving what is very powerful language, although not everything we would have liked, to mitigate foreclosures. I will say that I have spoken to the people at the Department of Treasury, including yesterday morning the Secretary himself, and I will be making commitments today about how we believe this bill will be interpreted, and I will be making no commitments that I have not explained to the Treasury, that the staff of the Financial Services Committee which has done such wonderful work has not discussed with the Treasury. So we will be, as I said, working with Members to clarify some parts of this bill because I do not think it is fully appreciated that it has a good deal more in it for the foreclosure issue and some other issues than has been recognized.

[From American Banker, Oct. 3, 2008]

BAIR: HOW TO GET MORE BANG FOR BAILOUT BUCK

(By Rob Blackwell)

WASHINGTON.—Of all the provisions in the bill designed to stabilize the financial markets, one of its most potent is not getting enough attention, according to Federal Deposit Insurance Corp. Chairman Sheila Bair.

The provision would allow the Treasury Department to provide credit guarantees and enhancements on whole loans. If it were used, it would allow the government to increase modifications and stabilize home prices at a much smaller cost than buying the loans themselves, Ms. Bair said in an interview Thursday.

''They can have so much bigger bang for their buck,'' she said. ''You don't have an initial cash outlay, you can leave them in the private sector, you can do the servicing in the private sector, and you can condition them on some type of modification protocol, which would get the mortgages restructured faster.''

The provision, a single sentence in the 451-page bill, has attracted little attention from analysts and industry representatives. Instead, they have focused on the crux of the bill, which would allow the Treasury to buy and hold up to $700 billion of troubled assets.

The bill would give the Treasury secretary the power to ''use loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.''

How that would work remains unclear. In theory, the Treasury could guarantee certain types of loans—option adjustable-rate mortgages, for example—and require lenders that want to use the insurance to engage in loan modifications first. If the reworked loan performed, the government would never be involved, but if the loan later defaulted, the government would take a certain amount of the loss.

Though she is supportive of the $700 billion buyout facility, Ms. Bair said the provision, added at the behest of the FDIC, could provide a critical alternative.

''It will be another tool they have in their toolkit, and it will be cheaper,'' she said. ''You can provide credit support to $100 billion worth of mortgages with no up-front cash outlay. The exposure would be less than buying those mortgages directly.''

During her two-year tenure, the FDIC has moved from the background to the forefront of the housing crisis. In the past week alone it has handled the largest failure of all time—the $309 billion-asset Washington Mutual Inc.—with no cost to the government. It also invoked the systemic risk exception for the first time in the agency's history to facilitate a deal to sell most of Wachovia Corp. to Citigroup Inc.

Ms. Bair said regulators had no choice but to use the exception, which was created in 1991 and required the approval of the Federal Reserve Board and the Treasury.

''We all felt that preventive action was needed,'' she said. ''It was a potential failure, driven primarily by market confidence issues.''

Ms. Bair has also been working to help pass the bailout bill. After the House unexpectedly defeated the legislation Monday, lawmakers scrambled for provisions to bring more Republicans on board. The most notable addition would increase deposit insurance to $250,000 per depositor per institution.

That provision would reassure nervous depositors that the banking system is stable, Ms. Bair said, and it gets to the heart of the problem: a lack of confidence among consumers, bankers, and businesses.

''Raising the deposit insurance limit to $250,000 is designed to address that problem

of public confidence,'' she said. ''Expanding that safety net for a period of time, I think, will help with the Main Street depositor and also provide help for banks.''

The coverage hike would take effect immediately and would expire Dec. 31, 2009. The bill explicitly says banks should not face a premium hike as a result. Analysts argue that Congress would have to make the higher limit permanent. Ms. Bair would not take a position, except to say the FDIC should have the power to raise premiums if the increase becomes permanent.

''It's a question for Congress,'' she said. ''It could be destabilizing if they lift it in 2009, but the trade-off would be that banks would have to start paying premiums.''

Overall, she said, she hopes the legislation will help ease fears among financial institutions, some of which have become worried about lending to each other.

''There is a confidence issue,'' Ms. Bair said. ''Originally, liquidity issues were tied to capital adequacy. Now I think liquidity issues are tied to just uncertainty. . . . We are asking Main Street to have confidence in the banking system. Well, I would ask the banks to have confidence in the banking system and lend to each other.''

She said a freeze on credit is only making the situation worse.

''We acknowledge that some individual banks have challenges, but overall they still have strong capital, and they've built up their loan loss reserves,'' she said. ''We shouldn't be freezing up and panicking.''

Though some have argued the bailout bill does not go to the heart of the issue, Ms. Bair was unequivocal in saying she thought the buyout facility would help the situation.

''The reason for the liquidity issue is you have an asset on the balance sheet where the cash flow suggests one valuation, but if you have to sell it, you will be taking a steep loss because the market is seizing up,'' she said. ''So we will be providing a vehicle for moving those assets off balance sheet for a price other than a rock-bottom distressed price. We are capable of letting the government hold the asset for a while before it's sold which will help ease downward pressure on asset valuations. It absolutely should help.''

But she acknowledged some concern that the legislation did not do enough to help struggling borrowers.

Ms. Bair was at the forefront last year in warning that lenders and servicers needed to systematically lock in low, starter rates so that borrowers could continue making their mortgage payments on time. More defaults would lead to increased foreclosures, which would cause further deterioration in the housing market. Few took her advice, and the housing market continued to sink.

If more lenders had modified loans, she said the situation would still be bad, but not as dramatic.

''We were going to have these problems no matter what, but I do think it would be less of an impact,'' she said.

But Ms. Bair said she did not understand why Congress is not doing more to assist borrowers in the bailout legislation. Lawmakers debated forcing more servicers to engage in systematic modifications, but ultimately did not do so.

''I don't understand it,'' she said. ''The borrowers here that are losing their houses have been this politically powerless group. From the get go, politically, for whatever reason, they were put in a category of they got over their head and were an unsympathetic group to deal with. That is not the case with all of them.''

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OCTOBER 2, 2008.

DEAR REPRESENTATIVE: We were profoundly disappointed with the House vote on Monday rejecting bipartisan economic recovery legislation. We are writing today to urge the House to act now to pass the Emergency Economic Stabilization Act to bring stability to credit markets.

The impact of the House action was painfully demonstrated Monday when the stock market lost $1.2 trillion as the Dow Jones Industrial Average fell 777.8 points, the largest single-day point drop in American history. Virtually every American witnessed their retirement, investment and savings accounts decline steeply.

Further, the evaporation of credit is affecting businesses of all sizes and consumers and we run the risk of further declines in housing values. If Congress fails to act, credit markets will tighten further. Our associations' members will find it more difficult—if not impossible—to secure credit to finance their operations, and members' employees will find it harder to get mortgages, secure auto loans, and borrow money to send their children to college.

Americans rely on credit and liquid markets to make our economy function, and we will continue to see our economy and the well-being of all Americans impacted unless the House acts. Significant bipartisan cooperation has produced a strong financial rescue plan with strong taxpayer protections to help stabilize the financial system and prevent a meltdown of our capital markets.

The Senate has passed this legislation by a 3 to 1 margin. We urge you to address this crisis by voting to support this critically-needed measure.

Sincerely,

Advanced Medical Technology Association; Air Conditioning Contractors of America; The Aluminum Association; American Apparel & Footwear Association; American Bankers Association; American Beverage Association; American Boiler Manufacturers Association; and American Business Conference.

American Chemistry Council; American Concrete Pressure Pipe Association; American Financial Services Association; American Forest & Paper Association; American Gas Association; American Hotel & Lodging Association; American Insurance Association; and American Meat Institute.

American Rental Association; American Road & Transportation Builders Association; American Trucking Associations; Associated Builders and Contractors, Inc.; Associated Equipment Distributors; Associated General Contractors of America; Association of Equipment Manufacturers; and Association of International Automobile Manufacturers.

Business Roundtable; Chamber of Commerce of the U.S.; Consumer Bankers Association; Consumer Mortgage Coalition; Edison Electric Institute; Equipment Leasing and Finance Association; Financial Services Forum; and The Financial Services Roundtable.

Food Marketing Institute; Housing Policy Council; Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Petroleum Association of America; International Dairy Foods Association; Information Technology Industry Council; and International Franchise Association.

Minority Business RoundTable; Mortgage Bankers Association; National Association of Chain Drug Stores; National Association of Electrical Distributors; National Association of Homebuilders; National Association of Manufacturers; National Association of Plumbing, Heating, and Cooling Contractors; and National Association of Real Estate Investment Managers.

National Association of Realtors; National Association of Wholesaler-Distributors; National Electrical Contractors Association; National Electrical Manufacturers Association; National Federation of Independent Business; National Restaurant Association; National Retail Federation; and National Roofing Contractors Association.

National Rural Electric Cooperative Association; NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies; Printing Industries of America; The Real Estate Roundtable; Reinsurance Association of America; Retail Industry Leaders Association; Securities Industry and Financial Markets Association; and Software & Information Industry Association.

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[From the Boston Globe, Oct. 3, 2008]

NATIONAL UPHEAVAL, LOCAL SHUDDERS—CREDIT WOES CONVULSE PLANS OF CITIES, TOWNS

(By John C. Drake)

Springfield Mayor Domenic Sarno said the city has been waiting a long time to repair sidewalks and tear down abandoned buildings in his financially beleaguered city. Now residents will have to wait a little longer.

With the crisis on Wall Street, the first-term mayor's promises to pay for improvements on Springfield's streets are on hold because raising money by floating municipal bonds in this climate is prohibitively expensive, he said.

It is the kind of problem facing dozens of communities, say officials. Like a hurricane swirling offshore, the financial crisis is barreling down on Massachusetts cities and towns, but no one knows yet how bad the damage could be.

Local leaders this week have been nervously eyeing bailout negotiations on Capitol Hill, the freezing bond markets, their falling pension fund values, and the State House, where Governor Deval Patrick may eventually decide to seek local aid cuts.

The moribund credit markets are making it difficult to pay for capital projects such as road work, because credit is either unavailable or rates are too high, local officials and municipal finance observers say. ''I'm trying to be fiscally prudent while at the same time trying to drive an ambitious agenda,'' Sarno said. ''It does affect Main Street, whether people are calling for a pothole or a multi-million dollar project they want improved.''

Boston has so far not been affected because it usually issues general-obligation bonds in February or March, said the city's chief financial officer, Lisa Signori. But other cities and towns were looking to enter the bond market sooner.

''Communities that have been planning on issuing debt for a large municipal project—a police station, a school, infrastructure improvements—are likely monitoring the situation and waiting to issue debt, waiting for the market to stabilize and for banks to issue credit again,'' said Geoff Beckwith, executive director of the. Massachusetts Municipal Association.

Sarno said Springfield has a wish list of capital improvements totalling $470 million, with $23 million on a high-priority list. Projects that could be affected range from sidewalk repairs and planned demolitions of derelict buildings costing tens of thousands of dollars to a major renewal for Springfield's South End estimated to cost $6.2 million.

Quincy Mayor Thomas P. Koch said funding for ongoing construction of a new Quincy High School and other projects, including a planned new middle school, could be affected.

''You don't put the bond out at once. You borrow periodically and then float the bond,'' he said. 'We're working with the state on an application to replace the middle school and we're going to market soon with

the bonds for that. Some of the other improvements at other buildings may just have to wait a little bit.''

Officials at the Massachusetts School Building Authority, which has committed to help dozens of communities build schools, have sought to assuage concerns.

''The MSBA's financial obligations to school construction projects will be met despite the current economic turmoil,'' the authority said in a statement provided by spokeswoman Carrie Sullivan on Wednesday.

Municipal pension funds, which are invested in a vast array of stocks, bonds, and other securities, are another significant source of worry.

''Clearly this is not good news and is not a good market and there will be some loss of value that will appear on the books,'' Beckwith said. ''The question is, will that value be recovered before the pension system needs to access those assets.''

Signori said Boston's pension board would be briefed by financial advisers next week on the state of the city's investments. ''Certainly, this quarter's performance is important, but what you're looking at is what's happening over five years or over ten years,'' she said.

Other Boston city accounts and investments are considered secure because the city collateralized them in the late 1990s, meaning the investments are backed up by cash from other banks and not subject to ceilings on federal deposit insurance.

''We weren't out there to make a lot on high interest rates; we wanted to make sure our money was safe,'' Boston Mayor Thomas M. Menino said this week. ''The city of Boston's money is safe.''

But Menino and Signori acknowledged the city's finances could be hurt if revenue from motor vehicle excise tax and hotel-motel excise taxes are down and if local aid takes a hit. Projected local aid for Boston already had fallen $60 million from 2002, Signori said.

Quincy Mayor Koch said he was worried the city's retirement board could seek more city funding if its investments are hurt.

''If the retirement board does not get back the returns they anticipate, that means they're going to be asking for more appropriation level on the operations side,'' Koch said in a phone interview. ''That bears watching, big-time.''

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Section 129 of the Emergency Economic Stabilization Act is intended to formalize the reporting procedures of the Federal Reserve Board to its oversight committees in the House and Senate when it exercises authority under Section 13(3) of the Federal Reserve Act, relating to loans made to individuals, partnerships and corporations under unusual and exigent circumstances.

Paragraph (a) of Section 129 directs the Federal Reserve to report to its oversight committees in the House and Senate within 7 days after it has exercised authority under Section 13(3) of the Federal Reserve Act. To facilitate congressional oversight, the Federal Reserve would provide the appropriate congressional committees justification for its actions under Section 13(3) and explain the specific terms of the actions taken by the Board, including providing information about the size and duration of any lending, available information concerning any collateral held with respect to such lending, the recipient of warrants or other potential equity in exchange for such lending, and any expected cost to the taxpayer related to the Board's action.

The Federal Reserve has used its 13(3) powers to extend loans to borrowers in specific one-off transactions as well as to offer several facilities that are open to a range of borrowers on the same terms. Paragraph (b) of Section 129 provides for periodic updates by the Federal Reserve to its congressional oversight committees and is intended to apply to any loan or facility initiated under Section 13(3) of the Federal Reserve Act, including the status of the loan or facility, the aggregate value of the collateral held in connection with the loan or facility, and the projected cost to the taxpayers of the loan or facility.

Paragraph (c) of Section 129 provides for the confidentiality of any reports made under the section and is intended to make all such reports confidential upon the request of the Federal Reserve Board. Paragraph (d) makes the reporting requirement under the section retroactive to March 1, 2008.

At this point, Madam Speaker, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Madam Speaker, we come here today in the midst of the biggest economic crisis this Nation has ever faced.

The proposal that was put forth by the administration earlier was unacceptable, no accountability, no government oversight, too much burden on the American taxpayer. But politics is the art of the possible.

This House is a place where policy and reality come together, where people solve problems. I was sitting right there when the vote was taken Monday. As soon as it went down, I turned to my colleagues and said, It's time to roll up our sleeves, it's time to solve this problem for America, and let's move forward. And we did that. I was on the phone with Treasury, with the administration, with Senate and House leadership, with the SEC. We've got suspension of mark to market. We've got increased FDIC insurance. We've got tax relief, AMT, child tax credit. This is a better bill.

But it's tough out there. I've talked to my moms, I've talked to my pops, I've talked to my corporations. No matter what we do or what we pass, there are still tough times out there. People are hurting. People are mad. I'm mad. Men and women that have fought in this House, I have fought in this House for spending regulations and tougher restraint, and we have seen what has happened and where it has led us.

Do I still have concerns about this bill? Yes. Do I still have concerns that it will affect the free market system? Yes, I do. But we have to act and we have to act now. It's our job to lead. If we don't solve these problems, not just these problems but Medicare and Social Security, if this House doesn't lead, America will fail. And if we don't get anything out of this conversation today, we need to understand that. It's about leadership. It's about moving forward.

I've had experts on both sides say, GRESHAM, this is a good thing, this is a bad thing.

□ 1130

I asked the good Lord to give me the guidance and the wisdom to make the decision. I will vote ''yes,'' and I ask my colleagues to do the same.

Mr. FRANK of Massachusetts. I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN) for the purpose of a colloquy.

Mr. MORAN of Virginia. Thank you, Madam Speaker. I won't take that much time. I do want to thank the chairman for his masterful leadership on this bill, and I do want to clarify that the intent of this legislation is to authorize the Treasury Department to strengthen credit markets by infusing capital into weak institutions in two ways: By buying their stock, debt, or other capital instruments; and, two, by purchasing bad assets from the institutions, in coordination with existing regulatory agencies and their responsibilities under this legislation, as well as under already existing authorization for prompt, corrective action and least-cost resolution.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MORAN of Virginia. I'd be happy to yield.

Mr. FRANK of Massachusetts. I can affirm that. As the gentleman knows, the Treasury Department is in agreement with this, and we should be clear, this is one of the things that this House and the Senate added to the bill, the authority to buy equity. It is not simply buying up the assets, it is to buy equity, and to buy equity in a way that the Federal Government will able to benefit if there is an appreciation.

I thank the gentleman for this important clarification. He is absolutely right.

In implementing the powers provided for in the Emergency Economic Stabilization Act of 2008, it is the intent of Congress that Treasury should use Troubled Asset Relief Program (TARP) resources to fund capital infusion and asset purchase approaches alone or in conjunction with each other to enable financial institutions to begin providing credit again, and to do so in ways that minimize the burden on taxpayers and have maximum economic recovery impact. Where the legislation speaks of ''assets'', that term is intended to include capital instruments of an institution such as common and preferred stock, subordinated and senior debt, and equity rights. Also, it is the intent of this legislation that TARP resources should be used in coordination with regulatory agencies and their responsibilities under prompt-corrective-action and least-cost resolution statutes.

Mr. MORAN of Virginia. Nice going, Chairman. Thank you.

Mr. BACHUS. Madam Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. I thank the gentleman for yielding.

Madam Speaker, everybody in this Chamber knows the right political vote on this package. The easy thing to do is vote ''no'' and hope the bill passes. Every Member knows there is no political upside to supporting this legislation.

It's also easy to say that something must be done—but something else. Well, we all have our own preferred

plans, Madam Speaker. The only problem is none of them get 218 votes.

I know my colleagues on both sides of the aisle are struggling to do the right thing. Lyndon Johnson used to say, ''Doing the right thing isn't hard; knowing the right thing to do is.'' This is certainly one of those occasions, Madam Speaker. But I am convinced unless we act, the stock market will take a nose dive, economic activity will freeze, credit markets will dry up, people will lose their jobs.

The real question is: Are we willing to gamble the jobs, the life savings, the retirement accounts, the homes and the businesses of the people we represent? Are we willing to risk the global, political, and social turmoil that will come if we have a prolonged recession or depression in the United States? Frankly, Madam Speaker, I am not.

Madam Speaker, everyone in this room knows the right ''political'' vote on this package. The easy thing to do is to vote no and hope the bill passes. Every member knows there is no political upside in supporting this bill.

It is also easy to say, ''something must be done—but not this.'' We all have our own schemes. Certainly I have my own five-point ''Tom Cole plan.'' I would suspend mark-to-market accounting rules, purchase preferred stock in institutions to protect the taxpayer, institute a private insurance program, limit executive compensation in companies that get Federal help, and raise the FDIC insured bank deposits from $100,000 to $250,000. There is only one problem with my plan, Madam Speaker, it cannot get 218 votes in this Chamber.

Madam Speaker, I know that my colleagues on both sides of this issue want to do ''the right thing.'' However, as Lyndon Johnson used to say, ''doing the right thing isn't hard, knowing the right thing to do is.'' I have struggled over whether passing this bill is the right thing to do. I do know that if it fails the stock market will take a nose dive, credit will freeze up and economic activity will grind to a halt. Some believe in time the markets will stabilize and correct themselves. I hope they are right.

The real question is are we willing to gamble the jobs, life savings, retirement accounts, the homes and the businesses of the people we represent? And are we willing to risk the global political and social turmoil that will surely occur if there is a severe and prolonged recession or depression in the United States? Frankly, Madam Speaker, I am not.

Madam Speaker, I am from Oklahoma, a state that has had more than its share of economic hardship over the years. My grandparents and parents lived through the Great Depression. They dealt with the hard times at home and the wars abroad that it spawned. My family and I lived through the 1980s when a banking and real estate collapse devastated Oklahoma's economy. I saw my State's per capita income fall from 98 percent to 79 percent of the national average. I saw hundreds of banks close, thousands of businesses fail, and countless families lose their life's savings. I do not intend to let that happen again for the sake of political popularity, ideological purity, or legislative perfection.

Madam Speaker, passing this bill is no substitute for long to structural reforms, appropriate legislative oversight, and the establishment of suitable levels of accountability and transparency in our financial markets. Those are issues we must confront in the next Congress. However, inaction in the face of the current turmoil in the markets is not an acceptable option. In fact, it is a huge gamble.

Madam Speaker, I know I will be haunted by this vote for the rest of my political life. I know I will have to explain it again and again to my friends. And I will be forced to defend it in every election against my opponents. And I know, having made this vote, I will have to make other tough votes to reform our economic and political systems. However that is far better than the lost jobs, the foreclosed homes, the depleted savings, the broken businesses, the devastated lives, and the dangerous world that I believe will be the consequences of a failure to act.

Madam Speaker, I will vote for this bill not because I wish to, but because I have to for the good of the people I represent. I trust that each of my colleagues will cast their vote in the same spirit, and I truly believe they will. There are no good choices here—but positive action is the right choice.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to one of our leading attorneys in the House, who, representing the State of California, has a particular knowledge about much of what we are trying to do in this bill in the foreclosure area, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Speaker, there's much not to like in this bill and there's a lot to be angry about how we got here, and if this passes, our job will not be done. We will have further efforts that will be required, especially to stabilize the housing market.

I chair the California Democratic Delegation. I want to share with Members the communications we have received from California's Governor and the Treasurer of the State of California.

The Governor tells us, and this is a quote, ''It is daunting that California, the eighth largest economy in the world, cannot obtain financing in the normal course of its business to bridge our annual lag between expenditures and revenues. This means that California may soon be forced to delay payments for critical services, such as teachers, law enforcement, and nursing homes. The same thing would happen to California cities and counties.''

Our Treasurer, Bill Lockyer, has told us, ''For 10 days, State and local governments have been closed out of credit markets—long-term and short-term—in spite of the fact they represent no default risk and provide a good tax return to investors.'' He says, ''Without prompt Federal action to address the economic crisis, we may have no market access. That means the State's cash reserves will be exhausted near the end of October. Payments for teachers' salaries, nursing homes, law enforcement, and every other State-funded service would stop or be significantly delayed. California's 5,000 cities, counties, school districts, and special districts would face the same fate.''

There is a $7 billion revenue anticipation note that the State needs to float to meet cash flow needs, and they cannot sell those revenue anticipation notes because of the credit freeze.

Folks, what this means is that the State of California, the eighth largest economy in the world, will not be able to meet payroll by the end of this month unless we take action to unfreeze these credit markets. I wanted to make sure that every Californian and, really, every American knew.

STATE CAPITOL,
*Sacramento, CA, October 2, 2008.*

Hon. HENRY M. PAULSON, Jr.
*Secretary of the Treasury,*
*Washington, DC.*

DEAR MR. SECRETARY, First of all, let me commend you for your leadership to enact emergency economic stabilization legislation. This credit crisis has the power to grind the U.S. economy to a halt if swift and decisive action is not taken immediately. The federal rescue package is not a bailout of Wall Street tycoons—it is a lifeboat for millions of Americans whose life savings, businesses, retirement plans and jobs are at stake. I have communicated this message to the entire California Congressional delegation and will continue to press for passage of an emergency rescue plan.

Like many other states, California is feeling the enormous effects of this crisis on our economy. California's economy is dynamic and resilient, but also uniquely sensitive to national and international economic conditions and fluctuations in the financial markets. The credit crisis has frozen investment and commerce, forcing businesses and families to stop purchasing goods and services. This has resulted in tens of thousands of lost jobs and billions of dollars in lost tax revenue to the state.

Most immediately, California and a number of other state and local governments are experiencing the lack of liquidity in the credit markets firsthand. Many states and local governments have been unable to secure financing for bond offerings and for routine cash flow used to make critical payments to schools, local governments and law enforcement. While some states may be able to absorb a delay or obtain high-interest financing through private banks, California is so large that our short-term cash flow needs exceed the entire budget of some states. We expect to issue $7 billion in Revenue Anticipation Notes for short term cash flow purposes in a matter of days.

Absent a clear resolution to this financial crisis that restores confidence and liquidity to the credit markets, California and other states may be unable to obtain the necessary level of financing to maintain government operations and may be forced to turn to the Federal Treasury for short-term financing.

The economic fallout from this national credit crisis continues to drain state tax coffers, making it even more difficult to weather the continuation of frozen credit markets for any length of time. I will continue to do all I can to encourage passage of the emergency rescue plan.

Sincerely,

ARNOLD SCHWARZENEGGER,
*Governor.*

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STATE CAPITOL,
*Sacramento, CA, October 1, 2008.*

DEAR MEMBERS OF THE CALIFORNIA CONGRESSIONAL DELEGATION, it's now very clear that the financial crisis on Wall Street is affecting California—its businesses, its citizens' daily lives and its state government's

ability to obtain financing to pay for critical services.

This is how serious the situation is: our State Treasurer warns that the credit market has already frozen up to the point that it chills even the State of California's ability to meet its short-term cash flow needs. Additionally, without immediate action from you and your colleagues in Congress, California will be unable to sell voter-approved bonds for the highway, school, housing and water construction projects that our state is relying on to help carry us through this difficult economy. The state of our already-slow economy makes the financial situation even more urgent.

It is daunting that California, the eighth-largest economy in the world, cannot obtain financing in the normal course of its business to bridge our annual lag between expenditures and revenues. This means California may soon be forced to delay payments for critical services, such as teachers, law enforcement and nursing homes. The same thing would happen to California's counties and cities. That is, unless Congress acts quickly to restore confidence in our financial system.

I am writing to urge you to vote in favor of the Emergency Economic Stabilization Act. This plan is critical to the well-being of every community in California and across the nation. Swift action in Congress is needed to restore confidence in our financial system.

Let's be clear, this plan is not a ''bailout'' for Wall Street. To the contrary, the plan is about protecting Main Street.

We are currently witnessing the initial consequences of depositors and investors withdrawing assets from a financial system in which they have lost confidence and putting them in FDIC-insured accounts and federal obligations. That means there's little money for normal commerce, and what money is available is too costly. This dramatically reduces economic activity, translating into fewer jobs, lower wages, reduced savings and threatened pensions. If the stabilization plan fails, these outcomes will materialize in scale.

California's businesses, both large and small, also face the prospect that banks will not be able to renew loans. It goes without saying that, when people and companies can't get the money to buy cars, inventory goods, plant crops, expand business and go to school, economic activity slows down, leading to job losses, wage reductions, savings declines and pension failures all along Main Street, California.

The situation is urgent. The crisis we face demands swift action and bipartisan leadership. Congress must pass this economic stability plan without further delay.

Sincerely,

ARNOLD SCHWARZENEGGER,
*Governor.*

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[From the California State Treasurer Bill Lockyer, October 1, 2008]

TREASURER LOCKYER URGES CONGRESS TO ADOPT ECONOMIC RECOVERY PLAN TO THAW MARKET FOR INFRASTRUCTURE BONDS, CASH-FLOW BORROWING

SACRAMENTO.—State Treasurer Bill Lockyer today warned that a continuing failure by Congress to adopt a national economic recovery plan jeopardizes California's ability to sell infrastructure bonds and short-term notes to meet the State's cash flow needs. In releasing the 2008 State of California Debt Affordability Report, Lockyer made the following statement:

''For 10 days, state and local governments have been closed out of credit markets—long-term and short-term—in spite of the fact that they represent no default risk and provide a good tax-free return to investors. The credit market is frozen because financial institutions are afraid to commit capital amid enormous uncertainty. Congress and the President need to adopt a responsible recovery plan, and get the job done quickly.

''The State and local issuers need certainty that thaws credit markets and eases access to crucial financing. Without action, we will be unable to sell voter-approved bonds for highway construction, schools, housing or water projects. More urgently, because the State budget was so late, we have only four short weeks to complete what otherwise would be a routine revenue anticipation note sale to meet the State's cash flow needs. Without prompt federal action to address the economic crisis, we may have no market access to conduct that short-term borrowing transaction. That means the State's cash reserves would be exhausted near the end of October. Payments for teachers' salaries, nursing homes, law enforcement and every other State-funded service would stop or be significantly delayed. And California's 5,000 cities, counties, school districts and special districts would face the same fate.''

The 2008 Debt Affordability Report recounts the year's turmoil in capital markets, how it affected the State, and how the State responded to protect taxpayers. The report also details the Lockyer-led effort to end rating agencies' discriminatory treatment of municipal bond issuers. The current system harms taxpayers and misleads investors. The report is available at www.treasurer.ca.gov.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, we all understand that without action many of our citizens will find themselves laid off from their jobs. They won't be able to refinance their homes. This crisis is real.

House conservatives know that inaction is not an option, and we have worked tirelessly to put different plans, ideas, and legislation on the table to remedy the crisis. We take some measure of pride in knowing that the underlying legislation has now been improved twice. We believe our efforts help.

But, Madam Speaker, I still have many fears about the legislation before us. No one knows if this plan will truly work. We all hope it does. No one knows the true mount of taxpayer liability. The Secretary of the Treasury can go through $700 billion in no time flat and come right back to Congress for $700 billion more.

I fear that this legislation still remains more of a bailout than a workout. I fear that it undermines the ethic of personal responsibility. I fear that it still rewards bad behavior and punishes good. But my greatest fear, Madam Speaker, is that it fundamentally changes the role of the government in our free enterprise economy and, despite its current problems, this economy remains the envy of the world.

How can we have capitalism on the way up and socialism on the way down? If we lose our ability to fail, will we not soon lose our ability to succeed? If Congress bails out some firms and sectors, how can it say no to others?

We must be very careful as we address this financial crisis that we ensure that any short-term gain does not come at the expense of even longer term pain, that being the slippery slope to socialism.

Madam Speaker, the thought of my children growing up in an America with less freedom, less opportunity, and a lower standard of living is a long-term pain I cannot and will not bear. Therefore, I will vote again ''no'' on this legislation. I vote ''no'' with some doubt. But, Madam Speaker, there is a better way.

Mr. FRANK of Massachusetts. Madam Speaker, ever mindful of the danger that George Bush will lead us down the road to socialism, we will be monitoring this very closely.

I now yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman. As I sit here listening to this, I realize that those watching must be very confused. It's a very difficult subject. It's very difficult to figure out what the right thing to do is. As far is I can tell, it's quite clear what the right thing to do is, and that is pass this bill, with all its imperfections, to address an underlying problem with our credit markets, which will have damaging long-term effects on our real economy, on jobs, on savings, on the dreams of Americans.

But what Americans need to understand is that we are going to get through this. With all the argument, the fussing, the fighting, we are going to get through this. This country is going to be a better country 5 years from now, 10 years from now, than it is today. It should be proud. It should keep its head up. It should be confident.

All of those who are in the lending industry, the banking industry, should be confident in the future of America, and comfortable with the idea that we need to just get back on track quickly for the sake of all Americans so that we can be the strong country that America deserves to be in the future.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, on Monday it was with reluctance that I voted to oppose the earlier version of this bill. I did so not because I believed there was no urgent need to act. On the contrary, I believed we had to act quickly, but we had to do it right.

I've fought hard to present alternatives and add taxpayer protections. Working with some great colleagues on both sides of the aisle, we offered options that ranged from insuring instead of buying mortgage-backed securities, to tightening the language on possible losses to the Treasury, to injecting capital through tax cuts for repatriation of foreign earnings and more. Working with Mr. LATOURETTE, we even attempted to limit the initial outlay to $250 billion so that Congress

could come back in a month and reassess the need for the remainder of the $700 billion.

Over the last few days, we've made more progress. The FDIC is raising its insurance limit to protect people's savings. The SEC is revising its mark-to-market accounting guidelines, and we have included middle class tax relief. But there still are many changes I would like to see. Unfortunately, the volatility in the market is threatening the financial security of my constituents and millions of American families, small businesses, and retirees.

Make no mistake: the latest compromise is not the best package. It's the package that can move through Congress in time to protect the economy from lasting damage. With the clock ticking, credit markets seizing up, and the market swinging wildly, it is clear that the time for seeking better options has run out. I'm glad we held out for the taxpayer protections that we got. But if we don't act now, those who are least to blame for this mess will suffer the most.

So it is with reluctance that I support this bill today and urge my colleagues to do the same. Our work is by no means complete. I look forward to revisiting the issue as Congress monitors the program to ensure that we minimize risks and that the taxpayers see a return on this investment.

Mr. FRANK of Massachusetts. Madam Speaker, I yield for a unanimous consent request to a gentleman from Ohio who has been very seriously engaged on this issue.

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

Mr. KUCINICH. I rise in opposition to this bill.

The public is being led to believe that Congress has reconsidered its position because we have before us a better bill than we had a few days ago. It is the same bill plus hundreds of new pages for hundreds of millions of tax breaks. What does this have to do with the troubles of Wall Street?

Driven by fear we are moving quickly to pass a bill, which may produce a temporary uptick for the market but nothing for millions of homeowners whose misfortunes are at the center of our economic woes. People do not have money to pay their mortgages. After this passes, they will still not have money to pay their mortgages. People will still lose their homes while Wall Street is bailed out.

The central flaw of this bill is that there are no stronger protections for homeowners and no changes in the language to ensure that the secretary has the authority to compel mortgage servicers to modify the terms of mortgages. And there are no stronger regulatory changes to fix the circumstances that allowed this to happen.

We should have created a mechanism for our Government to take a controlling interest in mortgage-backed securities and use our power to work out a new deal for the homeowners. We could have done this. We should have done this. But we didn't.

Now millions of Americans will face the threat of foreclosure without any help. And the numbers will soon rise for a number of reasons. Not only because of the Alt-A, jumbo mortgages which will soon be reset at higher interest rates, but because the London Interbank Offered Rate (LIBOR) is pushing up rates on adjustable mortgages and more than half of the U.S. adjustable mortgage rates are tied to LIBOR. Homeowner defaults will grow in significant numbers. Let's see if Congress will be as quick to help homeowners on Main Street as they were to help speculators on Wall Street.

Now the Government will have to borrow $700 billion from banks, with interest, to give banks a $700 billion bailout, and in return the taxpayers get $700 billion in toxic debt. The Senate "improved" the bailout by giving tax breaks to people in foreclosure. People in foreclosure need help paying their mortgage, they do not seek tax breaks.

Across our Nation, foreclosures continue to devastate our communities, people are losing their jobs, and the prices of necessities are skyrocketing. This legislation, just like the one we defeated last week, will do nothing to solve the problems plaguing American families or help them to get out from underneath the oppressive debt they have been forced to take on.

Unfortunately, there has been no discussion of the underlying debt-based economy and the role of our monetary system in facilitating the redistribution of wealth upwards.

It is not as though we had no choice but to pass the bill before us. We could have done this differently. We could have demanded language in the legislation that would have empowered the Treasury to compel mortgage servicers to rework the terms of mortgage loans so homeowners could avoid foreclosure. We could have put regulatory structures in place to protect investors. We could have stopped the speculators.

This bill represents an utter failure of the democratic process. It represents the triumph of special interest over the triumph of the public interest. It represents the inability of Government to defend the public interest in the face of great pressure from financial interests. We could have recognized the power of Government to prime the pump of the economy to get money flowing through out society by creating jobs, health care, and major investments in green energy. What a lost opportunity! What a moment of transition away from democracy and towards domination of America by global economic interests.

Years ago, in a Cleveland neighborhood, I saw a hand-scrawled sign above a cash register in a delicatessen. The sign said: "In God We Trust, All Others Pay Cash." The sign above the Speaker's rostrum reads "In God We Trust," but today we are paying the cash to Wall Street.

It is not as if we had no other choice but to pass this bill.

[From Ohio.com, Oct. 3, 2008]

FORECLOSURE VICTIM, 90, APPARENTLY SHOOTS SELF

(By Phil Trexler)

At the age of 90, Addie Polk found herself in foreclosure this week, about to be forced from the home she's lived in for nearly 40 years.

So, with a gun in her hand, the Akron widow apparently shot herself in the chest Wednesday afternoon as deputies were knocking on her door with eviction papers in hand.

While a nation reels in financial crisis from years of mortgage abuse, Polk is recovering at Akron General Medical Center, awaiting word on where she will live when she's released.

Meanwhile, city leaders say Polk has become Akron's "poster child" for victims of predatory lenders.

"I think this is a case where we need to step in and help this lady if she is so desperate to shoot herself because she can't pay her mortgage," Akron Councilman Marco Sommerville said.

Court records show Polk took out a 30-year, 6.375 percent mortgage just four years ago for $45,620 with a Countrywide Home Loan office in Cuyahoga Falls. She took out a line of credit that same day for $11,380.

Her La Croix Avenue home was appraised by Summit County in 2004 at $31,230.

The Countrywide branch did not return a call for comment Thursday.

Polk essentially owed the same $45,000 when the Federal National Mortgage Association (Fannie Mae) filed for foreclosure on her home in 2007. Fannie Mae assumed the mortgage from Countrywide.

Following foreclosure this year, Polk's six-room, 101-year-old home was bought by Fannie Mae at sheriffs auction for $28,000.

Her house now belongs to the lender.

Summit County sheriffs deputies say Polk ignored multiple notes and letters leading up to Wednesday's eviction. She also ignored the foreclosure action filed in court.

It wasn't until Tuesday that she called the sheriffs office in disbelief. The next day was eviction day.

"I'm positive she believed the deputies were going to come in, clean out the house and set her and her things on the curb, because they did that decades ago. But that's not what happens nowadays," sheriffs Lt. Kandy Fatheree said.

"I'm sure she had to be thinking back to the Great Depression when people were set out on the street. She had to be scared to death."

Deputies Dave Bailey, Jason Beam and Don Fatheree went to the home about 1 p.m. Wednesday to meet with a Fannie Mae representative and escort Polk from the house. They said they had no idea the woman was 90 years old.

The deputies' knocks were unanswered, and they were about to leave because the Fannie Mae representative failed to show. Then, they heard a banging noise coming from the home's second floor.

Next-door neighbor Robert Dillon heard it, too. More bangs followed.

Dillon borrowed a neighbor's ladder and climbed through Polk's second-floor bathroom window and walked into her bedroom. She was lying on her side, a gun next to her on the bed.

"I'm thinking to myself, 'Why does Mrs. Polk got a gun?'" Dillon said. "After looking around, I touched her shoulder and saw the blood and I said, 'Shucks, she done shot herself.'"

Dillon, 62, shouted to the deputies, who alerted Akron EMS. Polk apparently shot herself more than once with a small-caliber handgun, police said.

Polk and her late husband, Robert, a Goodrich retiree, moved into the home in 1970. He died in 1995, but Polk continued to live independently, but alone, still driving her late model Chevrolet to the grocery store and church.

She appeared to be struggling financially, Dillon said, but he said she never spoke of the foreclosure action looming for more than a year.

She had no children of her own and few visitors, he said.

"She didn't need no help. She got around good," he said.

It is unclear how Polk used the loan money. Dillon said he didn't notice any work being done on the property, and deputies said her front porch was soft from years of neglect.

''Where'd the money go?'' Dillon asked.

Sommerville said he is working with the city and the county to assist Polk with housing, once she is released from the hospital.

He said the city has been awarded more than $8 million in federal grants in the wake of the mortgage crisis to help cope with the crush.

Sommerville said Polk's fate humanizes the problem for the rich and poor. And he urged those facing foreclosure to seek assistance through various local and county agencies.

''It's a sad situation,'' he said. ''She's the poster child for this foreclosure crisis we are facing.''

Mr. FRANK of Massachusetts. I yield 2 minutes to a member of the Committee on Financial Services, who has been very much concerned with the question of foreclosure, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Let me first say, Chairman FRANK, how much we all appreciate the outstanding job you have been doing on this issue.

Chairman FRANK, it's very important that as we consider this financial package, we make sure we do everything we possibly can to reduce the number of foreclosures and keep families in their homes. We are losing 6,300 foreclosures every single day. In this regard, I have been working on, and I presented to you a four-point package to reach this goal. At this time, I certainly want to thank my collaborator, Dr. James Galbraith from the University of Texas, for his advice on this.

Essentially, what we want to do is really, quite honestly, in the spirit of our great Treasury Secretary, Alexander Hamilton, for I believe we need to give the Treasury Secretary efficient tools so that he will be able to allow us to be able to use a program such as our HOPE for Homeowners program to make sure that we are doing everything we do as he purchases these assets to put the ingredients in place that we can bring down these foreclosures and keep individuals in their homes, and I have presented this four-point plan to you.

Mr. FRANK of Massachusetts. If the gentleman would yield back to me briefly, I thank him very much. He has been working hard on this, and has also not just professed this in general, but has made some specific suggestions.

Of the four points, two will take separate legislation, and I will work with the gentleman because I am in agreement with him on them, in concept. Two of them, however, are, I believe, able to be accomplished in this bill. I have spoken to the Secretary of the Treasury and, I believe, working together with the gentleman, we can make sure.

Let me just say specifically. Asset managers to support loan modifications will be very important for this success. The bill encourages the Treasury to consider the FDIC, which has been superlative in this regard, to play this role. Also, Treasury, under this bill, can buy virtually any mortgage asset, and we direct them to coordinate with the other agencies, like Fannie Mae and Freddie Mac and the Federal Home Loan Banks, and to maximize modifications through the program we just adopted.

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

Mr. FRANK of Massachusetts. I yield the gentleman 30 additional seconds.

We will expect the Secretary to use both direct assets and design—to provide special considerations for assets where HOPE for Homeowners or other programs have been used. In other words, we are directing the Treasurer to use his authority to maximize, exactly as the gentleman has proposed. We will continue to press the Secretary, and I believe we don't have to press too hard. He is ready to do this. And we will work with the gentleman on the other issues.

Mr. SCOTT of Georgia. Let me thank you, Mr. Chairman, for including certainly two of those four. I deeply appreciate that. Homeowners who are struggling across this country appreciate that. We thank you for that. I want you to know that I will support the bill and I will encourage my colleagues to do the same.

Mr. FRANK of Massachusetts. I will yield myself 15 seconds to say that the gentleman can tell his brother-in-law, Hank Aaron, he hit .500 today, and that's pretty good in any league.

Mr. SCOTT of Georgia. I certainly will. Thank you, Mr. Chairman.

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Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I come to the floor realizing that there is a problem on Wall Street that will affect Main Street, and I also come here today hopeful, but also realistic.

I will not be supporting this bill today, but I know the bill will pass later on because so much has been added to it to get the votes. But I am hopeful then that all the promises that have been made by the proponents of this bill will come true, after we give $700 billion to Secretary Paulson and whoever follows him 2 or 3 months from now. The promise is that the markets will open up and the markets will go up and credit will be free-flowing soon.

But I come here also realistic, realistic to know that if you don't tackle the underlying problems, we will be right back in this House again on this floor seeking more money and more reform. Realistic also to know if you don't allow for alternatives, you will not get the best bill. And we know that Speaker PELOSI and the White House were not open to listening to any alternatives, and there were alternatives out there. And realistic also in knowing that if you fail to investigate earlier enough, these problems will come up, as they have.

Back in the spring of this year, we, my Republican colleagues, asked for investigations on this matter, and we were rebuffed, being told by the chairman, ''I do not think it is necessary that we have hearings on the soonest possible date.''

Madam Speaker, I come here not in support of this bill, but in support of doing something, in light of the remarks of economist Robert Shimer, who said, ''The U.S. has long been a beacon of free markets. When economic conditions turn sour in other countries, we give very clear instructions on what to do; balance the budget, maintain free trade, the rule of law, and do not prop up failing enterprise.''

He said it. I agree with him. That has always been the U.S. approach, and I believe it is the correct approach.

But when the United States ignores its own advice in this situation, we reduce our credibility of this stance. Rewriting the rules of the game at this stage will therefore have serious ramifications, not only for the people of this country, but for the globe and the world as well. You see, Madam Speaker, the social costs of this are far, far greater than the $700 billion that we talk about today.

Mr. FRANK of Massachusetts. Madam Speaker, I yield to the gentleman from Illinois (Mr. DAVIS) for the purpose of making a unanimous consent request.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise in favor of the Senate amendments.

I rise in support of the bailout proposal before us, and I do not voice my support without some trepidation. However, I feel that the state of our economy is such that we have no logical and prudent choice except to act and to do so now.

Like many people across America, I am not happy about using public money to benefit the robber barons on Wall Street. Therefore, I am pleased to see the high level of independent oversight contained in this package. I know that many people are saying that there is no real help for home owners, for people facing foreclosure, and for those who have already lost their homes and/or their life savings. Therefore, I am pleased to note that this package provides for loan modifications which state concretely that when:

1. The government owns the entire loan.

2. The Secretary of the Treasury and other agencies [FDIC, Federal Reserve, FHFA, GSE's] must:

A. coordinate efforts to gain ownership and control.

B. create a Government-wide plan to maximize loan modifications.

I. GOVERNMENT HAS A PARTIAL INTEREST

The Secretary must:

1. Work with services to modify loans under Hope for Homeowners programs now strengthened to: (a) Allow homeowners to refinance before reset, (b) provide flexibility on

loan-to value-ration, and (c) speed up waivers for second mortgage holders.

2. The Secretary must also fund support to services to ensure the ability to do loan modifications, i.e., loans to cover capital advances.

II. GOVERNMENT HAS NO OWNERSHIP INTEREST

1. Will offer loan guarantees to induce mortgage holders to make substantial loan modifications.

2. Applies to loans that may not be eligible for other Government refinancing programs.

III. TENANT PROTECTIONS

1. The Secretary where permissible shall permit bona-fide tenants current in their rent to remain in their homes.

2. The interagency plan for maximizing loan modifications must include protecting Federal, State, and local rental subsidies and ensuring that any loan must take into account the need for operating subsidies.

Madam Speaker, I know that there has been and continues to be a great deal of talk about sweeteners. Well I use Equal, and I am ecstatic to note that in this package, serious consideration is being given to the concept of mental health parity.

If there is a sweetener which would have influenced my position and my vote, this is it. No, this is not a perfect bill and I am sure that some people on Wall Street will benefit; but I do believe that more people on Main Street will feel safer and more secure that their investments are being protected, that their homes and insurance policies will be saved and their children's futures will be more secure. I vote "yes."

Mr. FRANK of Massachusetts. I now yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the Commerce Committee, very knowledgeable in these subjects.

Mr. DINGELL. Madam Speaker, I rise in support of the legislation and commend the distinguished chairman of the committee, Mr. FRANK, and our Speaker, Ms. PELOSI, for taking a bad bill from the Bush administration and turning it into a bill which protects taxpayers, contains important oversight provisions and ensures that there will be proper control of pay and no golden parachutes for executives whose recklessness has contributed to this crisis. Inaction is not an option here.

I wish to commend the gentleman from Massachusetts for the extraordinary job he has done, and I would like to engage him in a brief colloquy.

Mr. Chairman, domestic automobile manufacturers face the most difficult conditions they have faced in decades. We need to do something to help unfreeze the credit markets for that industry, as well as all others.

As I read the legislation, the Secretary has authority to purchase from a motor vehicle finance company traditional car loans and mortgage-related papers such as home equity loans used to purchase a car or truck. Is that interpretation correct?

Mr. FRANK of Massachusetts. If the gentleman will yield, yes, it is. And I believe, as he and I have discussed, that the danger to the purchase of automobiles is one of the great ones that we face here, and it is an important reason for moving this bill. Yes, I very much agree with what he just said.

Mr. DINGELL. I want to thank the gentleman, and I also want to point out one additional point of clarification, that if the Federal Reserve Board would use the authority it has to address extraordinary circumstances in credit markets, finance companies, particularly motor vehicle finance companies, would have access to capital that would help them to finance dealer floor plans and make consumer loans.

Would the gentleman support a decision by the Federal Reserve to make funds available, as long as the companies face unusual and extraordinary market conditions?

Mr. FRANK of Massachusetts. If the gentleman would yield, I would say absolutely, because this is one which would have a double positive effect: It would help with the credit crisis, and it would help one of our most important industries in the United States from facing difficulties.

Mr. DINGELL. I want to thank the gentleman, and commend him for his extraordinary leadership in this difficult matter. No man could have done a better job.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Speaker, I rise to say I absolutely support free market principles. I have no interest in bailing out Wall Street. I think that we need to reduce the size of government, and I believe that government intervention should not occur.

But this is not a normal situation. I have not seen anything like this. I wasn't around during the Great Depression, but having read about it, I have not seen anything like this in our financial services industry since then.

Banks are not lending to banks, and if banks don't lend to banks, the access to credit in the private sector really is going to dry up, because if they won't lend to each other, they are not going to want to lend to the private sector.

Small businesses in this country are starting to hurt now. I spoke to a friend I have known for over 30 years who is a contractor who works for a very large company, and the company doesn't know right now, the employees, that many are going to get laid off, because their lines of credit have been dramatically reduced, and without credit in this country, it is going to have an impact on businesses, and if businesses are impacted, they are not the bad people, they are the ones who provide jobs in this country.

This bill, I will say, is not perfect, but there are not many options we have today, and the last thing we can afford to do is do nothing and let the system start to crumble.

Small people, I say ''small'' because they are not business people, they are trying to work for a living, and I take the word ''small'' back, average people out there who are just working for a living and trying to make ends meet, supporting their families and paying their bills, they are the ones that are going to get hurt. This is not to bail out a bunch of fat cats on Wall Street. The people who made their money two or three years ago, they made their money. You can't impact that. We can change things in the future to change the law to make sure people are protected and their investments are protected and people don't take advantage of the system, and that has to happen.

Now, this bill has grown in size, but much of it has to do with tax extenders. It is not pork. When you are talking about allowing child tax credits to continue, like we have in the past, the alternative minimum tax patch to continue, research and development tax credit, teacher expense deductions, those things have been added to this bill and the bill has absolutely grown in size.

But let's not lose the focus on what we are trying to do here today. The thing we are trying to do is stabilize the economy, not bail out individual businesses; make sure the economy can continue to run, people can work and businesses can operate. That is why I am rising in support of this bill and ask for an ''aye'' vote.

Mr. FRANK of Massachusetts. Madam Speaker, the gentleman from Colorado (Mr. PERLMUTTER) has been one of the hardest working members of our committee, and I yield him 2 minutes.

Mr. PERLMUTTER. Madam Speaker, I would like to enter into a colloquy with the chairman.

Mr. Chairman, there has been a lot of discussion about making sure that businesses, homeowners and farmers all over this country have access to credit to buy inventory or finance a new home or purchase seed for next year's crops. We have several agencies within the Federal Government whose mission it is to provide credit directly to Main Street, to small businesses, to homeowners, to farmers and to people all over this country. Those agencies include the Small Business Administration, the Federal Home Loan Banks and the Farm Credit Administration.

Mr. Chairman, will those agencies be utilized to make sure that some of the funding or credit provided by this legislation will go directly to Main Street?

Mr. FRANK of Massachusetts. If the gentleman will yield, the answer is yes. The bill fully authorizes the Secretary of the Treasury to do that, and I and others, including the gentleman from Colorado, will be working to make sure that he does, and I have every intention to believe that they intend to.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. There aren't many times we get a second chance to do the right thing. This is the kind of vote our constituents sent us to make on their behalf. It is a legacy vote, one of the

most important votes we will ever cast, a vote we will carry with us the rest of our lives.

The majority of my constituents have voiced opposition to this bill, but the fact is, the financial markets lost $1.2 trillion in one day when we failed to act Monday afternoon. Some of that has been restored, but we are witnessing the possibility of our economy coming to a grinding halt.

I don't intend to play Russian roulette with our economy, or my constituents, which is why I voted for this bill when it came before us on Monday, and why I will vote for it again today.

Many of us on both sides of the aisle agree this is not a perfect bill. In fact, some of my financially savvy constituents have educated me about other ways we could intervene.

The bottom line is this legislation is a short-term solution to address a longer-term problem. Those of us back next Congress, and I make no assumption about my own election, truly have our work cut out for us.

This bill is for Main Street. It is for college and retirement savings and the value of homes. It is for access to car loans, student loans and mortgages. It is the ability of small businesses to borrow, expand, stock shelves, meet short-term cash needs such as payroll, and invest in new plants and equipment.

The credit market is tightening, strangling our economy. Liquidity has dried up and money is simply not getting to the individuals and businesses who need it. Consumers, savers and investors are losing confidence.

I am grateful the bill before us today will increase deposit insurance to $250,000, a recommendation I had made, so American depositors know their money in their bank is safe.

This crisis requires all of us to put our country first and our ideology and partisanship aside. We need to pass the Emergency Economic Stabilization Act and then go back home and face the voters. Those of us who are fortunate enough to return will have to come back, roll up our sleeves and do everything we can to help our country grow and our prosperity return.

Yesterday, the president of a community bank wrote me:

> Congress needs to understand the consequence of money moving out of banks.

Deposits enable banks to loan and expand the economy.

Withdrawals force banks to call in loans and contract the economy ten-fold.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 1 minute to my colleague, the gentleman from Massachusetts (Mr. NEAL) from the Ways and Means Committee.

Mr. NEAL of Massachusetts. I would like to thank the gentleman for yielding and I would like to ask him a question about the bill.

It is my understanding that the bill is designed to give all banks, especially community banks, which are very important in central and western Massachusetts, and because they are heavily regulated don't have any problems, regardless of size or organizational structure, ordinary tax treatment for certain holdings of Fannie Mae and Freddie Mac preferred stock. Banks, and in particular some State-chartered institutions, are allowed to hold such stock in passive investment vehicles where the bank is the majority investor under Federal law.

I encourage the chairman to work with the Secretary of the Treasury to ensure that all institutions have access to this relief, if he agrees it is intended to have an expansive reach.

Mr. FRANK of Massachusetts. If the gentleman will yield, I agree completely. It would be a distortion of the clear meaning of this provision, widely supported, to do anything else but, and we will work to make sure that happens.

Mr. NEAL of Massachusetts. I thank the chairman.

Mr. BACHUS. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, our Nation is confronted by a serious financial crisis. The President and Congress were right to act with all deliberate speed, and I am confident every Member of this body is motivated by the best interests of this country.

It should be said that Republican leaders and my colleagues worked hard to improve this bill. They removed outrageous subsidies, and today the bank deposits of Americans are safer and the balance sheet of their local bank is more secure because of Republican leadership.

But even with these important improvements, this legislation remains the largest corporate bailout in American history. It forever changes the relationship between government and the financial sector and passes the cost along to the American people.

The sad part is, Madam Speaker, there are no easy answers, but there were alternatives. House Republicans offered an insurance program that would have required Wall Street, not Main Street, to pay for the cost of this recovery, and fast-acting tax relief to strengthen our economy from within.

Teddy Roosevelt said, ''An American must face life with resolute courage, win victory if he can and accept defeat if he must, without seeking to place on his fellow man a responsibility which is not theirs.''

With this bill, we place upon the American public a responsibility which is not theirs, bailing out financial institutions after they made irresponsible decisions. This we should not do.

I urge my colleagues to join me in opposing this legislation.

Mr. FRANK of Massachusetts. I now yield 1 minute to the Chair of the Capital Markets Subcommittee, who has been very carefully watching this situation, the gentleman from Pennsylvania (Mr. KANJORSKI).

□ 1200

Mr. KANJORSKI. Madam Speaker, I congratulate the chairman on a job well done.

I guess nobody is happy with this bill. I am less happy with this bill as it has come back from the Senate. But the reality is, we are facing an abyss, and it is important that this House of Representatives act not as a composite of Republicans or Democrats but as Americans.

America is watching us now. The world is watching America now. It is up to us to do the job, and this bill is the best at this time that we can do. I urge my colleagues on both sides of the aisle to gather today and get the internal courage to make a vote for what is good for America and not what is necessarily good for us individually or for our party as a single party. This is a vote for America.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, over the last few days we have heard about LIBOR, commercial papers, spreads, swaps, about the credit markets. This chart shows you just how bad things are in the credit markets. But what does any of this stuff mean? What is credit? Credit is confidence, it is credibility, trustworthiness in someone's ability to pay.

Right now, our system is plagued with fear. There is no confidence. There is no trust. Lenders don't trust borrowers; sellers don't trust buyers.

This bill, as flawed as it is, goes right to this issue. If it works, it stops that fear from spreading into outright panic.

Will this bill prevent a recession? No, I don't think it will. But it will help us make sure that a recession is short and shallow, and not deep and long.

I know one thing for sure. Doing nothing is the worst thing we could do. This is one of those once-in-a-century kind of crises, and we need to act to prevent it from becoming a once-in-a-century kind of a recession. In Wisconsin, we are already beginning to see the beginning of this. We are already starting to see the job losses.

For me, this is a conscience vote. We of all people understand public opinion. We know it is not popular. But we see that gathering storm, we see it out there on the horizon. Our constituents may be outside mowing their lawns and looking up and seeing a sunny sky, but we see those storm clouds developing. And I want to know for sure that when the choice was made, I had made the decision to prevent that storm from gathering, to prevent those jobs from being lost, to protect our constituents from losing their retirement funds, from not getting that home loan, that car loan.

I want to make sure that what we do here today snaps that fear out of the market and preserves those jobs, and makes sure that the bumpy road we are going to have is not nearly as bumpy

as it would otherwise be if this bill fails.

Mr. FRANK of Massachusetts. I now yield 1 minute to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I agree with my colleague from Wisconsin about once a century, and this is that occasion.

For all of my 39 years in Congress, I have fought against trickle-down economics and the mindless deregulation that has produced today's economic crisis. I opposed the repeal of Glass-Stiegel, which has made the problem so much worse.

The boy geniuses on Wall Street do not deserve to be rescued. But if they fall off their perches at the top of the economic ladder, they will crush innocent people far down that ladder on lower rungs.

Sometimes in life, if we are responsible, we have to clean up not just the messes that we have created but the messes that others have created as well. This is one of those times. This package will not prevent a severe recession. We are going to see that, but it can buy us more time to make more basic changes that will stand this country in good stead over the long haul, and I urge its adoption.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

There is something in life called the Hobson's choice. And I never thought I would be here, and I think DAVE HOBSON who is retiring probably thinks it is named after him, but it is not. And what we are being told today is that we either give $700 billion to the Secretary of the Treasury because he says that is what is needed, in a plan that is untested, unworked; or, and if we don't just write this check, we are being told that all of our constituents are going to lose their life savings, their 401(k)s, their retirements. That is one hell of a choice, Madam Speaker.

And I come today with a big problem. The big problem is, where did the number come from? The number, Forbes Magazine last week, Treasury spokeswoman: It is not based on any data point. We just wanted to choose a really large number. Well, you know what: $700 billion is a really large number.

Last night we took an amendment to the Rules Committee, asked them to make it in order to stop this process, slow it down by a day. The vote was 8–4, along party lines. Eight Democratic members of the Rules Committee, who represent about 4.8 million people, told 305 million Americans we couldn't have a vote on that or anything else, including measures that are important to Democrats, such as bankruptcy and things of that nature.

This bill left the House and it went over to the Senate, and they larded it up: $192 million for rum. I guess we got the pirate vote in November. $100 million for NASCAR. $81 million for Hollywood. And my favorite, $2 million for wooden arrows for children. Now, I want children to have wooden arrows, but it doesn't belong in this bill.

And I have got to tell you, as a Republican I have never seen—I am finishing my 14th year—what just happened on the last vote. And we all know that folks back home don't pay attention to the rules. Twenty Republicans voted for the Democratic rule. If those 20 Republicans had not voted for that rule, we could have had an amendment on the floor, saving America $450 billion, which, as our friends like to tell us, is 4 years in Iraq, and we could have cut the pork.

As JOHN MCCAIN says, and sadly, for those 20 Republicans and those who aided and abetted them: we will make you famous, and you shall know their names. Shame on you.

Mr. FRANK of Massachusetts. Madam Speaker, I would note that one of those whose names would be listed is JOHN MCCAIN, who voted for this bill in the Senate. So Mr. MCCAIN's name would be at the head of that list of the 20.

I now yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I voted against the Iraq war resolution, the PATRIOT Act, the FISA Act amendments; and I led the opposition to the bankruptcy bill just a few years ago, in each case because I thought we were being railroaded into unwise actions through the use of fear tactics. But I do not believe that to be the case now. Now we face a very real crisis.

The credit markets are shutting down. People will not be able to get car loans, loans for store inventories. There will be thousands of bank failures, millions of job losses. I believe we stand now literally on the brink of the abyss, and that we haven't seen such a situation since 1931.

This is in many ways a weak bill. There should have been far more help for people facing foreclosures. There should have been bankruptcy reforms. There should have been real revenues to pay for it. There should have been a real stimulus to the economy. But this is the only bill that could be agreed upon now.

We are not sure this bill will solve the crisis, but it might. It will buy us time for a better solution. As between a certainty of catastrophe and a possibility of averting that catastrophe, I will vote for the possibility of averting the catastrophe. I urge everyone else to do so.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), who is ranking member of the Energy and Commerce Committee.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I want to thank the gentleman from Alabama.

Madam Speaker, I rise in opposition to this bill. And I am not opposed to it for political reasons, I am not opposed to it for partisan reasons, I am not opposed to it for emotional reasons. I am opposed to it because fundamentally it doesn't address the problem that needs to be addressed. We have a crisis in our financial markets, we have a crisis of confidence in our credit markets, and this bill only indirectly addresses those problems.

First and foremost, from the taxpayers' standpoint, it is not paid for. The underlying bill is going to raise the national debt ceiling $1.5 trillion. That is $1,500 billion. If you add the tax extender package that came over from the Senate, you end up with a price tag of approximately $2 trillion. Absolutely nothing in the bill addresses how to pay for those $2 trillion that puts taxpayers at risk. Really, for that one reason we should vote against the bill.

We have talked a lot about the crisis in the credit markets. My good friend from Wisconsin (Mr. RYAN) just put up a chart on the LIBOR rate, which is the overnight interbank loan rate from London. It is at 4 percent. It was at 4.5 percent 1 year ago. It is within its normal range. The spread has gone up between the overnight Treasury rate and the LIBOR rate, but that is because the Treasury rate has gone down to 2 percent.

An auto loan that my good friend was talking about, the distinguished Financial Services chairman, the auto rate loan right now is 6.5 percent, about what it was a year ago. The credit markets are working, but there are some people holding back credit, hoping that the taxpayers will bail them out.

Fundamentally, we need to address the American economy. This bill doesn't do that. You want the value of the dollar to go up? How about cutting spending and lowering the deficit? You want to do something on auto sales? How about produce more domestic energy to bring gasoline prices down.

Madam Speaker, this is not the bill to address the problem. I hope we will vote ''no.''

Mr. FRANK of Massachusetts. Madam Speaker, I am glad to yield 2 minutes to our newest member, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Madam Speaker, if I might make an inquiry of the gentleman from Massachusetts.

In my reading of the bill, I am trying to understand whether it is your belief that the Treasury has the authority under this legislation to use some portion of that $700 billion to deal directly with homeowners, specifically with homeowners facing foreclosure. And could you clarify for me the circumstances under which the Treasury has that authority when it wholly owns the mortgage, and when that mortgage is being serviced by loan servicing centers?

Mr. FRANK of Massachusetts. If the gentlewoman will yield, the answer is, absolutely. And I can tell you that I have spoken to the Treasury, to the

Secretary, to tell him that it is very important; that many Members will be voting for this bill only with the understanding that he will use that authority. And I believe he accepts that fact and will act on it.

Ms. EDWARDS of Maryland. I thank the gentleman for clarifying that.

In that case, and hearing that clarification, I rise today in support of H.R. 1424, the Emergency Economic Stabilization Act. I believe that we are just standing at a really important time in our economy. And while I voted ''no'' in opposition on Monday for the earlier package, hearing your clarification and the authority of the Secretary of Treasury to deal directly with addressing foreclosures that many people in my community are facing and across this country, I stand in support of the bill. I know that it is not enough, but I realize that it is important for us to move forward and to create the circumstances, whether it is bankruptcy or directly dealing with homeowners, that we will be able to help people save their homes.

Mr. FRANK of Massachusetts. If the gentlewoman would yield again, I thank her for prodding us because thanks in part to her efforts, this is going to be the best we can do. And I appreciate that.

Mr. BACHUS. Madam Speaker, I yield 1½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman for his time.

Some things have changed in this bill, but taxpayers will still be picking up the tab for Wall Street's party.

I was proud to stand together with a group of women from both sides of the aisle and ask for real reform, not a temporary fix. We still have no fundamental reform to Fannie and Freddie, nothing that resembles the amendments that I supported in 2005 and 2007 that would have avoided this debacle in the first place.

Instead of suspending mark-to-market, we are going to study the possibility of it. Instead of requiring Wall Street to purchase insurance on their mortgage-backed securities and work out of the problem, we are still bailing them out.

I am voting against this today because it is not the best bill, it is the quickest bill. Taxpayers for generations will pay for our haste, and there is no guarantee that they will ever see the benefits. We should not reward bad behavior. Wall Street won't have to learn its lesson, and we are not doing anything to keep them from running our economy into the ground again.

I urge my colleagues to join me in voting ''no'' on this bill.

Mr. FRANK of Massachusetts. I yield for a unanimous consent request to the gentleman from Texas, a member of our committee, very much concerned with improving economic literacy, Mr. HINOJOSA.

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

Mr. HINOJOSA. Madam Speaker, I rise in support of H.R. 1424, the Senate amendment to the Emergency Economic Stabilization Act of 2008. I will vote ''yes.''

No one wants to be voting on this legislation today because none of us want to be in the horrific economic situation in which our country finds itself. The greed and lack of regulatory oversight that got us into this mess should never have happened. However, today we have to deal with the practical economic reality. Inaction is not an option.

This bill is not about bailing out Wall Street.

It is about making sure that average Americans can continue to get credit for their basic needs like housing, students loans, and automobiles. It is about saving pensions for our retirees and making sure that the small businesses that are the engines of growth in my district can continue to get the credit they need to operate.

This bill is not perfect and doesn't have everything I would like. However, the changes that have been made to the original proposal by Secretary Paulson address many of the concerns of my constituents. The changes will protect taxpayers, keep people in their homes and rein in huge CEO salaries.

It will allow the American people to see where this money is being spent and what is being purchased. Many of the tax extenders that the Senate added are needed to keep our country competitive and bring tax relief to average Americans.

PELL GRANT

The Continuing Resolution included $2.5 billion to address shortfalls and projected cost increases in the Pell Grant Program.

$750 million was for the FY 2007 Pell shortfall.

$1.8 billion was to cover anticipated cost increases for FY 2009.

Still needed are $2 billion to address the anticipated shortfall for 2008. This has to be addressed by Fiscal Year 2010. Additionally, there another $1 billion may be needed for 2009, which would have to be addressed by 2011.

STUDENT LOANS

The frozen credit markets have affected the ability of student loans providers to raise capital to offer student loans.

The Ensuring Continued Access to Federal Student Loans Act (H.R. 5715) was extended through 2010. This legislation gives the Secretary of Education the authority to purchase federal student loans from lenders, thereby injecting liquidity into the market.

The $700 billion rescue package gives the Secretary of Treasury the authority to purchase troubled assets that the Secretary determines necessary for the health of the economy. Freeing up the credit markets will help lenders, including student loan lenders, in accessing the capital necessary to make college loans.

I urge my colleagues to support this bill today so that we can bring immediate stability to our markets, our credit system and the economy as a whole.

Mr. FRANK of Massachusetts. I now yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), a former member of the committee who deserted us for better things.

□ 1215

Ms. KAPTUR. Madam Speaker, Mr. Chairman, and dear colleagues, do you feel like a herd of bulls and bears are rushing at you? They are. The question is will you stand up to them?

This approach, their approach, will not work. It won't solve the credit crunch nor the mortgage foreclosure challenge.

Wall Street speculators, now the major donors in Federal campaigns, have used their considerable influence inside the halls of government, especially at the U.S. Treasury, to open up the piggy bank. Meanwhile, taxpayers across Main Street, who will pay the bill, will find it has no effect on bettering their lives as unemployment increases, foreclosures increase, and the squeeze on the middle class increases. The Treasury plan throws an ungodly amount at Wall Street. Yet all of our Congressional committees but for one were relieved of their duties as regular order was dispensed with for a very hasty action.

We should do what we did back in the '70s, '80s and '90s and use the powers of the Federal Deposit Insurance Corporation and the Securities and Exchange Commission to address the credit crunch without costing the taxpayers a penny. This bill is just an end run around the American people 3 weeks before an election while this Congress is skittish and as Wall Street's investment houses conduct their biggest heist of the century from the U.S. Treasury and our U.S. taxpayers.

Pray for our Republic. She is being placed in uncaring and very greedy hands.

Vote ''no'' to get a real deal, not a fast deal.

I thank you, Mr. Chairman, for yielding me 1 minute in this very important debate.

Mr. BACHUS. I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, earlier this week on Monday, America hated this bill at $700 billion. Today they despise it at $850 billion.

On Monday, apparently a majority in the House agreed with the callers and voted it down on a bipartisan basis. Yesterday I was very proud of the efforts of Representative SPENCER BACHUS who tried to bring to the floor a bill that would have slowed down this process, would have been something that I think the American public could have understood and fully supported.

However, what we have before us today is the bill that the Senate sent to us. They sent us the same exact bill that the House rejected, but they added another $150 billion. It still bails out foreign banks and raises the debt limit $1 trillion. That is what people believe is business as usual here in Washington. The bill still does not address the issues of fear and diminished financial capacity.

Democrat Senator BILL NELSON from my home State of Florida actually voted against this bill in the Senate. Like Senator NELSON, I wanted to see an extension of the deductibility of

State sales tax and an AMT patch, but that should have been in a separate bill. Instead it was added to this piece of legislation.

Again, this is not a bill that I believe that I can vote for on behalf of my constituents. I said before that a vote for this bill is a vote to ratified business as usual in Washington. The added sweeteners and earmarks were only to get more votes. If you didn't take my word on that then, please look at the bill now and you will have proof.

Mr. FRANK of Massachusetts. I yield 1 minute to a member of the committee, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Madam Speaker, I am angry. I am angry that the Nation has been put in this position by clever financial wizards on Wall Street who operated without the necessary regulations and oversight for the past 8 years.

I share the sentiments of Meyer Mishkin who during the crash of 1929 owned a shop in New York and sold silk shirts to working men. He said then that it ''served those rich scoundrels right.'' Of course, his business went under a year later.

Fast forward to 2008. Meyer Mishkin's grandson, an economist and former Fed Reserve Board member, tells us: ''To do nothing right now is to do what was done during the Great Depression.''

Madam Speaker, this is not about Rolex watches and Wall Street, it is about watching out for the workers, families, small businesses and retirees in my district who will be up against the wall as a result of this credit crisis as it spreads to Main Street.

Madam Speaker, I will not stand by and do nothing while this crash spreads to my constituents.

Mr. BACHUS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Madam Speaker, I rise in strong opposition to this bill because it won't solve our problem. It is said that we are in a liquidity crisis and a credit crunch and all we need is more credit. The Federal Reserve has already injected over a trillion dollars worth of credit and it doesn't seem to have helped a whole lot. Injecting another 600 to $700 billion will not solve the problem.

I think one of the reasons why we are floundering around here is that we don't understand the problem because instead of it being a credit crunch, I think it is a lot more serious than that. That is, I think what is happening in the market today is signaling something much more draconian because it is probably telling us that our government is insolvent, that we are on the verge of bankruptcy and big things are starting to happen. And we don't quite understand it, so we fall back on the old cliches that what we need is more appropriations, more spending, more debt, and more credit in the market. That means more inflation by the Federal Reserve system. And yet, that is what caused the trouble.

We want to do this it is said to prevent the recession or depression because that is unbearable. But the truth is you should have thought about that 10 or 15 years ago because the financial bubble created by the excess of credit and the lowering of the interest rate is the cause of the recession. The recession is a demand. It is a must; you can't avoid it. Yes, it has been papered over several times over the last several decades, but that just made the bubble bigger.

The message is now you can't paper it over any longer. So the recession and/or depression will come.

My sincere conviction is that by doing more mischief and not allowing markets to adjust, debt to be liquidated, you're going to guarantee a depression. It is going to be prolonged. The agony is going to be there for a lot longer than if you allow markets to adjust. Liquidation of debt. Let the bankruptcy occur, let the good assets come up, and let it react.

This idea that there is not enough regulation is completely wrong. There is too much regulation, and lack of regulation of the Federal Reserve system and the exchange of stabilization.

Mr. FRANK of Massachusetts. I now yield 2 minutes to the gentlewoman from California (Ms. WATERS), the Chair of the Housing Subcommittee, who has done as much as anyone in this House to try to stave off the foreclosure crisis.

Ms. WATERS. First I would like to thank Chairman FRANK for the extraordinary work he has put into making sure we address this financial crisis, and do it in a way that will certainly protect our homeowners who are at risk.

There are a number of Members who have been worried about whether or not this bill is going to protect our citizens on Main Street, as they refer to it. I worked with Chairman FRANK and others on the modifying of loans portions of this bill. We have three ways by which these loans can be modified. People forget that when we buy up this toxic paper, when we buy up these nonperforming loans, we are in charge. Not only can we write down the principal, we can write down the interest. We can do the kind of loan modification that we have been urging the Hope Now Alliance to get done.

In addition to that, we are coordinating the work of all of the agencies that own paper, whether it is the FDIC or either of the GSEs, Fannie or Freddie. Remember, we own them now. We will be able to coordinate and set some standards and be able to do again the kind of loan modification that takes into consideration whatever the circumstances are of the particular homeowner. And in some cases, we will provide a loan guarantee. When we go in and ask some of the institutions to do loan modifications on entire packages, those that fall out and they cannot do the loan modifications on that work very well, we will provide the loan guarantees for them to do so.

So for anybody who says there is nothing in this for homeowners, they are incorrect. Read the bill. The facts are there. This is the strongest part of this legislation, protecting homeowners and doing the kind of loan modifications that will keep people in their homes who have these adjustable rate mortgages even before they reset.

Mr. BACHUS. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, in a former life as Attorney General of California, I was required to sign off on any of the debt instruments that went to market to make sure that they followed the laws and the Constitution of the State of California. Never did we have difficulty floating short-term loans in California in anticipation of the income revenues that would be coming in.

However, just last night the governor of the State of California wrote a letter to the Secretary of the Treasury indicating that California may very well have difficulty floating $7 billion in short-term loans to cover expenses. I can't recall when that ever happened before. The reason is the squeeze on the credit market. That ought to bring us some pause here.

But more importantly, over the last 2 days I was home in my district and I talked with people involved with hospitals, banks, automobile dealers, simple folks, my 91-year-old mother whose entire future is wrapped up in the investments my dad left her. She has no pension. She has what my dad left her. When you see the volatility of the market and the uncertainty out there, that spreads fear among our folks back home.

This is not a perfect bill. Certainly I don't ever argue this is a perfect bill, but it is the best we have right now. I would ask my colleagues to please support this bill.

Those of you talking about the additional cost on the Senate side, the largest additional cost is fixing the AMT. It is the first time I have heard some of the people on my side of the aisle refer to that as a cost. That is giving taxpayers the kind of relief they deserve and preventing them from being put into higher tax brackets unnecessarily.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2½ minutes to an alumna of our committee who has been a dedicated defender of working class people, the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I thank the chairman for yielding me this time and for his tireless work.

I want to thank Congressman JESSE JACKSON, Jr., for associating himself with my remarks this morning.

Madam Speaker, I think we need to be honest about the bill before us. It is a bailout. We should be honest with how we got here: reckless deregulation policies and greed. We should be honest about the fact that we don't know that this is the appropriate economic strategy. Some economists say yes; some economists say no. But I must be honest about the fact that I can't afford to risk the consequences of inaction based on what I know today.

I spoke with our California treasurer this week, and he assured me that people will suffer greater pain, including cuts to critical State-funded social services, county services, and schools, if we don't do something to stop this hemorrhaging. That is why I will vote for this bill today.

As a former small business owner, I know access to credit will make or break your business. Without it, people will lose jobs. We will not magically turn the economy around, reverse the rise in unemployment, or end this recession which we are in now. We must be honest about that.

But I must err on the side of caution so our seniors can have some confidence that their pensions are safe. And I hope that we will be able to prevent this financial crisis from exacting an even bigger toll on the everyday lives of our constituents.

Congressman JACKSON and I will continue to fight for regulatory reform and a direct economic stimulus package that we fought to be included in this bill. We must have bankruptcy reform and a moratorium on foreclosures. But I am glad to say that our fight has helped slow this bill down. Thanks to our Speaker's leadership, we have a bill today to extend unemployment compensation insurance on the floor. That is the least we can do for those in need on Main Street. I urge the other body to take it up immediately.

As Senator OBAMA said, there will be a time to punish those who set this fire, but now is the moment for us to come together and put the fire out. Congressman JACKSON and I join him in that effort and we will vote for this flawed but necessary legislation. It is a very difficult vote for both of us, but I must do everything I can to stop this bleeding in the lives of people living from paycheck to paycheck, that is if they have a paycheck.

I am really confident that this is the right vote, but I know that it is not the popular vote. Thank you, Mr. Chairman. I have to thank Congresswoman MAXINE WATERS for her leadership in trying to make some sense out of this foreclosure mess. Hopefully we will stop the bleeding, but I know that we have a lot of work to do.

□ 1230

Mr. BACHUS. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, ladies and gentlemen of the House, Thomas Paine on December 23, 1776, said, ''These are times that try men's souls.''

What was a problem at one time on Wall Street has become a problem for Main Street. What was a problem for this Congress and financial experts has become a problem for America.

As late as last night, Mr. LATOURETTE, Mr. LATHAM, and I were at the Rules Committee for 2½ minutes urging the Rules Committee to only appropriate $250 billion, an enormous amount; yet they turned down our request. I want to thank my Republican colleagues on the Rules Committee for voting ''yes.''

Our amendment said we would come back in November and we would give careful consideration to this. And if we needed more, if the program was working—and believe you me, it's been announced that it won't start for another 15 days whether we pass this bill today or tomorrow or the day after. And we could have all judged by then how it was working.

But that's past. And today is today. And I will be voting today for this bill because it's about the pensioner and his retirement check, it's about the small businessman and his ability to buy materials or make a payroll, and it's about that student, either in school or having to leave school, or that student preparing for school.

Whatever the problem was before, however you disagree with certain parts of this bill, our only choice is ''yes'' or ''no.'' And when a problem becomes an American problem, and it is, then it is time for Congress to take decisive action.

I will be voting ''yes'' on this bill; not a perfect bill, but a bill that I am not willing to pass up because I'm not willing to risk capitalism and a decline into socialism if our financial markets and our economy collapses.

Mr. FRANK of Massachusetts. Madam Speaker, no Member of Congress in my memory has worked harder and more constructively to improve and pass a bill than the majority whip has.

I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, I thank the chairman for yielding me the time and thank him so much for his hard work on this legislation.

Madam Speaker, I rise today in strong support of the Emergency Economic Stabilization Act of 2008 and believe this bill must be enacted as soon as possible to stop our country from falling deeper into recession.

Today, Madam Speaker, we received information that our economy has lost 159,000 additional jobs. This brings the total job loss for this year to 760,000. But Madam Speaker, jobs are not the only thing Americans across this country are losing. They are losing their hold on the American Dream. That dream, Madam Speaker, is economic mobility and homeownership. Nowhere is this problem more acute than in minority communities.

Madam Speaker, this is not only about Wall Street. It's about Broad Street and Walker Street; it's about grocery stores, beauty shops, and barber shops. It's about community banks and auto dealerships.

Madam Speaker, the minority communities are hemorrhaging: jobs, homes, income, and most importantly credit. Consider this fact: African Americans received 35 percent of the subprime purchase loans issued from 2004 to 2007. Of these loans, 62 percent of them were reset to a higher rate by the end of 2008. Many of these homes' values have dropped by 25 percent. Access to refinancing credit is no longer available, and their pension plans have lost substantial value.

These dynamics are devastating to minority communities, and I believe that we must pass this legislation in order to stop the hemorrhaging.

Mr. BACHUS. Madam Speaker, I am proud at this time to yield 1 minute to my friend from Mississippi (Mr. PICKERING), who will express not only his views but mine.

Mr. PICKERING. Madam Speaker, this is my last speech, will be my last vote. For all of us in this institution, it will be a legacy vote.

I came to Washington almost 20 years ago and worked in the first Bush administration as communism collapsed. I worked to see those countries, the Soviet Bloc, move to free markets and democracy. This, my last vote, is to preserve those things that I believe in most: a free market capitalist system, that if we can intervene now and stabilize what we preserve and keep the freedoms of our economy and the strength of our Nation from going into decline so that our fiscal house here doesn't worsen, so that our families at home aren't hurt more badly.

This afternoon I will cast this vote, and then I will leave, and I will go home and I will watch my sons play high school football.

I hope that it is with a great sense of pride in this institution that when a crisis came and our character was tested, we didn't do what was easy, but we did what was right—to save what we care about most deeply.

Mr. FRANK of Massachusetts. Madam Speaker, I think I have the honor of speaking on behalf of the body in wishing our friend well.

I now yield for a unanimous request consent to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Chairman, thank you for all of the work that you have done. I'm angered, frustrated, and sad, but I believe that we've got to do the responsible thing. Therefore, I'm going to support the bill.

Madam Speaker, today, I find myself frustrated, angry and sad. Predatory lending and

greed are at the root of the current financial storm our Nation is facing. I voted against the bailout bill on Monday because I believe it did not do enough to provide direct relief to families that are facing foreclosure, and have been victimized by these practices.

Over the past few days, I have fought vigorously to include stronger foreclosure mitigation provisions in a revised bill. Many of my colleagues joined me in an effort to include language from my bill H.R. 4135, The Family Foreclosure Rescue Corporation Act, in any revised rescue plan. This language would keep more families in their homes.

While I believe today's bill still does not do enough to protect struggling homeowners, I am pleased that it does include critical improvements in the areas of oversight and accountability. This bill does a better job of protecting America's taxpayers, and ensuring their investment is not squandered.

But sadly, our economy is now in turmoil. We find ourselves in a state of quicksand, and we are sinking fast. We cannot delay action any longer. I will vote for this bill today. Not because it solves all our problems, but because I do not have a choice.

If the credit crunch is allowed to continue, the consequences for the Inland Empire will be disastrous. In my district, too many families are facing the possibility of being homeless. Credit unions and big banks have limited their lending, and as a result families are at a greater risk of losing their homes, their jobs and their opportunities for success.

Car loans have dried up, and some dealerships have closed and been forced to layoff workers. Student loan companies across the Nation have shut down or stopped participating in Federal student aid programs.

And now, to make matters worse, we have received word that California needs a $7 billion emergency loan from the Government, in order to keep funding day-to-day operations. The consequences of doing nothing are too dire to imagine.

Without immediate Federal action, California will be unable to sell voter-approved bonds for highway construction, schools, housing or water projects. And because of the extreme delay in passing the state budget, California's cash reserves would be exhausted by the end of October without this loan. This means that payments for teachers' salaries, nursing homes, law enforcement and every other State-funded service would stop or be significantly delayed. This must not be allowed to happen.

Ultimately, today's bill is about providing confidence in our markets and stabilizing our economy. We must do this if we are to protect our jobs at home, stop further outsourcing, and ensure our society has access to the credit it needs to run.

The market dropped on Monday because of a lack of confidence. Because of predatory lending and the complete lack of regulation we have seen from the Bush administration in the last 8 years, Wall Street has been allowed to run amok—and because of that the American people have suffered.

I am voting for this bill today to restore that confidence. But we must come back and work on a more comprehensive package that will provide the assistance America's working families need to survive in these difficult economic times. I have received a commitment from the House Financial Services Committee that hearings will be held next February to examine my bill, the Family Foreclosure Rescue Corporation, and move it forward in the legislative process.

The Bush administration and the rubber stamp Republicans in Congress are responsible for the lack of leadership and effective government oversight that caused this crisis, but we all must work together to get America back on track. I am confident that with a change of leadership, we will stabilize our Nation's financial markets and keep America's working families safe and secure.

Mr. FRANK of Massachusetts. Madam Speaker, I yield for a unanimous consent request to the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. FATTAH. Madam Speaker, as I did on Monday, I rise in support of this bill. What we did not do right, we will find the time and the votes and the courage to do over today.

Mr. FRANK of Massachusetts. Madam Speaker, I now yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a member of the committee.

And I will take 10 seconds to say, yes, I understand that this is not everything that needs to be done. We will be back next year to do some serious surgery on the financial structure. But at this point, we have the EMT function. There's an emergency, and we have to avert serious harm. This is step one.

Step two will be the serious work that we will do to prevent this from occurring.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank the gentleman for his extraordinary leadership, and I rise to urge my colleagues to vote ''yes'' on the financial rescue plan. The risk of not acting is just too great for Americans to bear.

Today's grim jobless number showed that the problems facing Main Street are mounting. If we do not pass a financial rescue package today, credit markets may fail and working families and businesses will suffer. Consumers are the lifeblood of our economy, and most families need access to credit to make major purchases like buying a home, a car, or paying for college tuition.

Without financing, families will cut back on spending, businesses will see sales plummet, our economy will weaken, and even more jobs will be lost. A credit freeze also means small businesses may have trouble making their payrolls. Credit card interest rates could soar, and businesses could be unable to borrow and create new jobs.

This is a first step. We are continuing with hearings on Monday and Tuesday of next week. I congratulate Mr. BACHUS for his work with the chairman for putting in tough safeguards for taxpayers, oversight and homeowners.

The SPEAKER pro tempore. The gentleman from Alabama has 1 minute remaining.

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

The SPEAKER pro tempore. The gentleman from Massachusetts has 3 minutes remaining.

Mr. FRANK of Massachusetts. Madam Speaker, given the concern about the fiscal implications, I am now pleased to yield 1 minute to a man who has done as much for fiscal responsibility as anybody with whom I have ever served, the chairman of the Budget Committee, the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Madam Chairman, the bill before us has been vastly improved over the bill sent to us, and all of those improvements are still here. But this bill was waylaid in the Senate to add unrelated matters, which is not a good way to legislate, and I do not defend it.

But the major adds extend expiring tax cuts, which we would extend anyway in time, and to fix the AMT to keep it from coming down on middle income Americans, and sooner or later, we would adjust the AMT. In regular order, we would offset those tax reductions so that they do not add to the deficit. This bill contains only partial offsets, but there is remarkable improvements to the code here.

For example, one shining example, this bill closes a gaping loophole and saves $25 billion, a gaping loophole in the tax code, which has long allowed managers of hedge funds to shelter their income in places like the Caymans and dodge taxation.

One final point. Throughout, this has been called a $700 billion bailout, but we should bear in mind three points: first, $700 billion will be the gross cost if all of it is drawn down. The net cost should be a lot less.

I support this bill, and will vote for it again. I congratulate the chairman for the fine work he's done.

Mr. BACHUS. Madam Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Madam Speaker, I am now proud to yield 1 minute to the majority leader from Maryland (Mr. HOYER) who has done a superb job of leadership in its best sense on this bill.

Mr. HOYER. I thank the chairman for yielding.

Madam Speaker and Members of this House, I said that last Monday would be a day of consequence. It was a day of consequence. We have been criticized as a body for not deciding affirmatively on Monday. What we did decide, however, was that initial failure should not stand because the crisis confronting our country was too great. And Republicans and Democrats together, administration and Congress, chairman and ranking member, each individual Member decided that failure was not an option.

On Monday, the dividing line in this House was not between parties—it was between those who believed the dangers of doing nothing outweighed their

reservation about Monday's bill and those who had yet to be convinced.

Since then, I believe that the number of the convinced that this action is essential has grown. Some were convinced when a vote in the Chamber led to the evaporation of $1.2 trillion of wealth in about 120 seconds; some were convinced when they heard that America lost another 159,00 jobs last month making a total of lost jobs this year of 760,000 jobs. In a similar period 8 years ago, we had gained 1.5 million jobs—a net turnaround of over 2.2 million jobs.

Americans are in trouble. They're expecting us to act.

Some were convinced by the stories like this one from a small town car dealer in Utah. He said this: ''I'm not going to be able to pay my employees next week. I can't get the kind of credit line from the bank that I have had through my entire career unless you do something.''

This bill outreaches not only to minorities but to small businesses as well. And I thank the gentlelady from California for her focus on that issue and Mr. BACHUS for his focus on that issue.

What happens on Wall Street is bound up with the jobs of millions on Main Street, and the retirement of millions on Main Street, and the homes of millions in hometown America, and dreams of millions of our fellow Americans.

□ 1245

If disaster strikes those few square miles in Manhattan, it will surely spread until every one of those jobs and retirements and homes and dreams are put at great risk.

This week I've heard from the Prime Ministers of Australia and Japan who are telling us that their people are bracing themselves, worried that America will not rise to the occasion. I am proud to be a Member of this House, and when challenged, I believe this House rises to its responsibilities and I believe it will do so today.

We sing the praises of American leadership, and today, I think we will deserve that praise. This is the responsibility that comes with our duty as Representatives in the people's House. For all of those reasons, this bill is essential.

So many of us have improved the administration's plan, Republicans and Democrats, working together, which came to us as a mere three-page bill, giving essentially a $700 billion blank check to the administration. Republicans and Democrats knew as one that that could not stand.

The heart of the bill remains a plan for the government to buy up bad financial assets, restoring the flow of credit so essential to the growth and maintenance of our economy.

But we fought to ensure that taxpayers will be the first to profit if and when those assets rise again in value, making the true price tag of this bill far, far less than $700 billion.

In fact, Warren Buffett, one of the most successful investors in the history of America, has said this, ''If they do it right, and I think they'll do it reasonably right''—his expectation is that we will do it reasonably right—he said, if we do that, we'll make a lot of money, we being the taxpayers of America.

So we have the opportunity not only to save our economy, to save those dreams of our fellow citizens, but also to make some profit.

In addition, we made sure the financial community will be obligated to pay the taxpayers back for their loan.

We restricted executive compensation because CEOs whose recklessness helped bring on this crisis should not receive taxpayer-subsidized golden parachutes or extraordinary salaries.

We are subjecting the Treasury Secretary's decisions to strong oversight. Republicans and Democrats together agreed that that should be done.

Finally, we will help homeowners renegotiate their mortgages to prevent a further flood of 2 million projected foreclosures. That's what this bill is about. That is the action we are asked to take today.

On Wednesday, the Senate raised Federal insurance of bank accounts from $100,000 to $250,000, and also chose to add several tax cuts. I personally believe that raising the FDIC can be argued on both sides of the question, but certainly, it ought to stabilize our local banks. However, as all of you know, I strongly disagree with adding those tax provisions because the Senate has chosen to finance them with debt.

This crisis is making it painfully clear the dangers of fiscal recklessness and that debt does indeed matter. A lesson, in my opinion, the Senate has ignored.

But an emergency like this calls for the courage to compromise. On Monday, Chairman FRANK said, ''If we aren't prepared to accept some of the things we don't like, we will not have the power to deliver for the people we care about.'' The chairman was absolutely right. For me, those people are families unable to take out a loan to buy an appliance or pay for college. They are Americans who have worked their whole lives only to see their retirement accounts threatened. They are the millions of workers fearing a pink slip they did nothing to earn. For their sake, for their sake, we must act.

I urge all of us to pass this legislation. I urge all of us to vote for this legislation. I know there will be some who will not vote for this legislation. I want them to know that I respect their judgment. We have a difference of opinion.

On Monday, America was deeply divided, and their representative body, not surprisingly, was deeply divided. In the last 4 days, Americans in small towns, on farms, in urban areas and suburban areas have reflected upon the consequences of inaction, and while they have not come to the universal thought that we ought to pass this bill, they have told us in the strongest terms we expect the people's House to act in a way that they think best to save our economy, to protect our dreams, to make America whole again.

Mr. BACHUS. Madam Speaker, I yield the balance of my time to the gentleman from Ohio, our leader, Mr. BOEHNER.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 minute.

Mr. BOEHNER. Let me thank my colleague for yielding and thank him for his work and thank the work of Mr. FRANK, the chairman of the Financial Services Committee, and Members on both sides of the aisle who have worked together to bring us to this point.

We all know that we are in the midst of a financial crisis, and we all know that this crisis is about our neighbors. It's about our small businesses. It's about retirees whose savings are on the line. It's about the American people and their jobs. And we know that if we do nothing, this crisis is likely to worsen and to put us into an economic slump like most of us have never seen.

We've come together on a bill that is a much better bill than it was when it started. It isn't the bill that I would write. It's not the bill that any of you would write because this bill was done in a bipartisan way, where Members on both sides of the aisle came together, worked together to build a product that we thought would help avert this crisis. It certainly has grown in size, but to do nothing, in my view, is not an option.

The consequences of us not acting are overwhelming, and so I do believe that it's our responsibility to act. The American people sent us here to do our jobs on their behalf. They're counting on us.

I know that some of you will disagree with the bill that we have before us, and I understand and respect those views. But while we have an imperfect product, we have a responsibility to act and to act in a way that we will do our best on behalf of our constituents.

I have talked to a lot of Members on both sides of the aisle who were stuck in really difficult elections, and doing this bill in the middle of an election is complicated enough. And I've had Members worried about how this is going to affect their election. I told them that whether you vote ''yes'' or you vote ''no,'' you've got to go home and defend this. And it's a lot easier to defend your vote if you, in your own mind, will just do the right thing.

I'm going to vote for this bill today because I think it's in the best interests of the American people. That's what they sent us here to do, and that's what I'm going to do.

Above the Speaker's rostrum is our motto: ''In God We Trust.'' This is probably one of the most serious votes that any of us will ever cast. I've said my prayers this morning, like I do

every morning, so that I can understand and feel better about the vote that I cast. But even if we pass this bill today, let's not kid ourselves. We're in the midst of a recession. It is going to be a rough ride, but it will be a whole lot rougher ride if we don't pass this bill.

But I will say to all of you, when this bill passes today, remember those words, ''In God We Trust,'' because we're going to need His help.

Mr. FRANK of Massachusetts. Madam Speaker, I yield to the gentleman from Rhode Island for a unanimous consent request, with the reminder that the vehicle for this is the mental health parity for which he has worked so hard.

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

Mr. KENNEDY. Madam Speaker, recognizing the end of insurance discrimination towards the mentally ill and praising my colleague JIM RAMSTAD and Dave Wellstone, whose father is looking down on us today in praise of his son for all the hard work he did to see this day come to pass, I urge passage of this legislation.

Madam Speaker, I rise in support of H.R. 1424, the Emergency Economic Stabilization Act of 2008.

While I do support the rescue package and commend Chairman BARNEY FRANK for his work producing this legislation, I rise today to speak about the mental health parity bill which is included in this package.

For those of us in Congress who have been fighting to bring greater fairness and equity to our insurance laws, today is the culmination of a long struggle.

When we send this package to the President, we will be providing 113 million Americans the peace of mind that comes with knowing that your health insurance will be there when you need it—regardless of your diagnosis.

For far too long, health insurance companies have used the stigma of mental illness and substance abuse as an excuse to deny coverage for those biological disorders.

That ends today. The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 will finally outlaw the discrimination that is embedded in our laws and our policies.

The passage of this legislation is one more step in the long civil rights struggle to ensure that all Americans have the chance to reach their full potential.

There are too many people to thank individually, so I would like to focus on two.

For as long as I have been in Congress, JIM RAMSTAD has been a champion for those with mental illness and substance abuse disorders. His advocacy on this issue has been inspiring to millions of Americans, and to me personally.

He is a role model for me, both personally and professionally. This Congress could use far more members like JIM RAMSTAD, on both sides of the aisle. This body will miss him terribly when he retires at the end of this Congress.

The other person I would like to recognize is Dave Wellstone. As most everyone here knows, Senator Paul Wellstone was the original champion of mental health parity in the Senate.

When he passed away, many of us thought that the momentum he had created for this bill would go with him. But his son Dave picked up the torch and has carried it tirelessly to get us to this point.

Dave, I know your father is watching us today, and I cannot imagine the pride he must feel. Congratulations.

In closing, this legislation strikes a blow against the stigma and discrimination faced by those with mental illness. I urge all of my colleagues to support it.

Mr. FRANK of Massachusetts. Madam Speaker, to close with a burst of redundancy, which is not inappropriate for what we've been through on this bill, I yield to Madam Speaker for 1 minute.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you very much, Madam Speaker. I thank the gentleman for yielding. I thank him for being such a great maestro in orchestrating this legislation that we have before us, accompanied by so many others; Congresswoman WATERS for her tremendous leadership. We recognize Congressman SPRATT of the Budget Committee; Congresswoman SLAUGHTER for her work on the Rules Committee to bring this bill to the floor; Congressman RANGEL for his very, very important work as well and having a piece of this bill.

I commend SPENCER BACHUS for his leadership and some of the great ideas that he brought to the table that first night and continued to bring to the discussion as we have gone ahead.

It's been my pleasure to work with Mr. BOEHNER and Mr. BLUNT on this and with my colleague Mr. HOYER who's invested so much time; and our mastermind, RAHM EMANUEL for his knowledge of Wall Street, his knowledge of Congress, and his leadership was essential in our reaching the point we are today.

The place that we are today is to debate legislation that I think is much improved from the product that was here on Monday, and as we debate this legislation, we must do so with an eye to the future. We must reassure the American people that this crisis will lead to reforms that will strengthen their personal economic security, that the bright light of accountability will protect the taxpayers and ferret out the abuses that have led to this crisis.

The urgency is clear. We hear it from our friends, from our neighbors. We hear it everywhere we turn.

In my home State of California, officials including the Governor are urgently calling for Federal legislation to avoid economic catastrophe, catastrophe. Those urgent calls are being echoed by Democratic and Republican Governors from across the country.

□ 1300

While the focus has been on the Dow Jones and Wall Street, we are addressing the real pain felt by Mr. and Mrs. Jones on Main Street. They are why we must pass this legislation today.

Seniors and those nearing retirement have watched their savings dwindle and their pensions evaporate. Entrepreneurs seeking a plan for a new business are being turned away for credit, undermining job creation. If you're trying to buy a car, you cannot get a car loan. If you're trying to sell cars, you cannot get a business loan to purchase inventory. If you're trying to save for your children's college education, you are deeply in doubt as to whether your savings will be there.

And just this morning, the Labor Department announced that another 159,000 Americans lost their jobs in September, the most in 5 years. Nearly 800,000 Americans have lost their jobs this year alone. These are the Americans we must act on behalf of today. They are not the high flyers on Wall Street, but our neighbors and our constituents, and they need our help.

Let us be clear, the original rescue bill proposed by the Bush administration was unacceptable, as has been indicated by Mr. BOEHNER. It has asked us to commit $700 billion in taxpayers' money with few strings and no safeguards. In a bipartisan way, we rejected that proposal. And in our bipartisan negotiations between the White House and the Congress, we demanded tough additions to the bill, and they are contained in this legislation.

To protect the taxpayers, we insisted upon tough oversight and accountability. To further protect the taxpayers, we wanted to make sure that as we bought this illiquid paper that Mr. Paulson was talking about and as we invested capital into these companies that we were helping to make healthy, that the American taxpayer would profit. Mr. SPENCER BACHUS was quite vocal on that subject when we met that first Thursday night two weeks and one day ago about, if we're going to make these companies healthier, why shouldn't we just invest capital in them so the taxpayer can benefit?

And thanks to JOHN TANNER of Tennessee, if this does not pay for itself, as some say that it can, but if there is a shortfall, the taxpayer will be made whole, being paid for by fees on those who have benefited from the program. That recoupment that Mr. TANNER put forth I think is a tremendous advance in this legislation and a protection for the taxpayer.

We also reform CEO compensation and put an end the golden parachutes. Our message to Wall Street is: The party is over. No longer will you drive your business into the ground, take a golden parachute to safety and have the taxpayer pick up the tab. And thanks to Congresswoman MAXINE WATERS, this legislation will do a great deal to help families avoid foreclosure and enable them to stay in their homes.

Since the bill came to the floor earlier this week, it has been further improved by increases in insurance for

checking and savings accounts which protect savers, small businesses and community banks across America.

I am especially pleased that the plan benefits middle income families with an extension of the $1,000 per couple State and local property tax deduction; $1,000 for those who do not itemize deduction in their property taxes. And I thank JIM CLYBURN, our Democratic whip, for his leadership in this regard.

I am also pleased that the bill includes an extension of tax cuts for clean and renewable energy that will create and save half a million good-paying jobs in America immediately. This was a part of our energy bill last year. It did not survive the Senate, it now has become part of this legislation, and it is paid for. We fought hard to include these critical tax cuts, again, as I said, in last year's landmark legislation because they are essential to job creation.

And aren't we all pleased across America's cause for celebration that the legislation includes the Mental Health Parity and Addiction Equity Act? PATRICK KENNEDY and Mr. RAMSTAD—I hope he's here so I can convey to him the gratitude of the American people to both of them for their leadership, without which we would not be having this important legislation passed today. It has turned out to be the vehicle for which the whole package is moving.

By requiring that illness in the brain be treated just like illness elsewhere in the body for insurance purposes, we're helping to end discrimination against those who seek treatment for mental illness. This legislation will also save lives.

So there are some things in here that have been added since the other day that are very important, legislation that has passed the House over and over again, but never could make it through the Senate, and now it has. That doesn't take away from the fact that we've been dealt a mighty bad hand with the core part of this legislation, but it has been improved. It is a compromise, but it is just the start.

Passing this legislation is only the beginning of our work to protect the economic future of the American people. With the work in these past 2 weeks, we've seen things we never thought we would see before in terms of the economic insecurity of our own country. With this legislation, $700 billion, we have broken new ground in how we deal with this crisis, but we will not leave it broken. Chairman WAXMAN, Chairman PETERSON and Chairman FRANK will hold a series of hearings to determine the origin of the crisis, how regulators and business leaders failed to protect the public interest, and the commonsense, reasonable regulations needed to provide security and stability in the future.

We must look ahead. We must look ahead to protect Americans from unsavory lending practices and to bring a better balance to our bankruptcy laws, but today we must begin by passing this bill. And as we do so, we must keep in mind our commitment to fiscal discipline, to not increasing the deficit. That's the overriding question I have from people—well, among others—why so much? Will it work? We'll see. What does it do to our opportunities to invest in the American people? Well, we hope it will pay for itself. And if it doesn't, then the fees will be there to cover it.

But apart from that, we cannot get into the thinking that we can just put out all this money without the thought that it will be heaping mountains of debt onto our children unless we have recoupment. And so it is a problem for us as we go into a new presidency and a new Congress. But under the leadership of Mr. SPRATT, and working with others in the House and in the Senate and with a new President of the United States, ''no new deficit spending'' must be our mantra.

This is a vote with real consequences, a vote that will shape or begin to shape the financial stability of our country and the economic security of our people. It is an important vote, it's a difficult vote, but it is a vote that we must win for the American people. We must win it for Mr. and Mrs. Jones on Main Street.

Ms. HIRONO. Madam Speaker, the emergency financial rescue package I am supporting today, while far from perfect, contains noticeable improvements on the Paulson Plan we considered on Monday. This package is much more balanced in favor of helping everyday people, middle-class families, and small businesses. The bailout package we considered on Monday was simply too geared toward Wall Street and the corporations whose irresponsible practices helped create this crisis in the first place.

This new financial rescue package raises the cap on FDIC-insured bank accounts from $100,000 to $250,000, which will assist families and small businesses while restoring Americans' confidence that their savings are secure.

The new package provides tax relief for middle-class families and tax incentives designed to create new jobs and economic opportunities in Hawaii, where people have been hit hard by the economic downturn that preceded this financial crisis. The majority of the tax relief, tax credits, and tax extenders added to the package will provide direct relief and economic assistance to middle-class families and working people—such as the Alternative Minimum Tax, AMT, relief provision and tax credits to speed research, development, and use of renewable energy sources like wind and solar.

The AMT fix, for example, will prevent some 40,000 constituents in my second district of Hawaii from having to pay higher taxes that were originally intended only to affect wealthy taxpayers.

The renewable energy tax credits are critical to encourage investment in the alternative energy projects Hawaii needs to reduce our dependence on foreign oil.

In addition, the bill reauthorizes for 2 years the Qualified Zone Academy Bonds, QZAB, program, which helps school districts with low-income populations save on interest costs associated with financing school renovations and repairs. Hawaii received about $1.3 million in QZAB allocations in 2005, 2006, and 2007.

Another significant provision of this bill requires insurance mental health parity legislation that advocates in Congress have been trying to pass for the past 10 years. I am an original cosponsor of this legislation. These provisions, included in the financial rescue package, will make sure that families struggling with mental illness do not have that challenge compounded by inadequate coverage of mental health care costs.

I have voted for these energy, business, and middle-class tax relief measures earlier in the House. These provisions will help 30 million homeowners, create 500,000 American green jobs, and provide tax relief for well over 25 million middle-class families. Including those tax relief proposals as part of the financial rescue package has made the overall proposal more balanced, and more likely to help everyday people get through these difficult economic times.

The economic downturn we are facing, resulting in loss of jobs, foreclosures, and families having difficulty paying for life's necessities, will not be fixed by this relief bill. The economic provisions added to the bill will help. But we need a broader economic stimulus package to get our economy going in the right direction again.

I am disappointed that it appears the Senate is not taking up the economic stimulus package (H.R. 7110) recently passed in the House, which will create jobs, extend unemployment benefits, help States with Medicaid reimbursements, and support our Food Stamp program. This bill represented some $222 million for Hawaii.

I did talk to Senator OBAMA about his perspective and my concerns about this bill. We both know that much more work remains to be done to address the underlying economic and regulatory problems that won't be fixed with this bill. We agree that new Federal investments are needed in transportation and clean water infrastructure as well as in education to enhance our Nation's competitiveness and to put people to work. Senator OBAMA also shares my concern that the cost of this rescue plan will not ultimately fall on the taxpayers, and he reassured me of his commitment to impose financial service fees to make taxpayers whole. With the right leadership in the White House, I am confident that we can make the changes needed in future legislation to protect homeowners and taxpayers and to reform our financial markets.

Ms. JACKSON-LEE of Texas. Madam Speaker, I would like to thank the chairman of Financial Services BARNEY FRANK for bringing this important piece of legislation to the floor. I rise today with the confidence that our system of government is strong and the constitutional protections of the full faith and credit of our government must protect Main Street America while we reform America's Wall Street.

Many have claimed that this is a historic vote. Historic votes are not ubiquitous. Historic votes come about through necessity and not through the failures of people. This problem has persisted for a while and now Congress must rush before the recess to a vote. While I would have liked more time, time has seemingly run out.

I would begin by saying that I had concerns about the bill that was presented to the Congress on Monday. After much deliberation and a return visit to my district, I vote ''yes'' for this bill. Given these dire economic times, it is the responsible thing to do to vote ''yes'' when the mass of Americans are suffering.

Let me give you a picture of the tough economic times which face Americans. The economy is shredding jobs. The U.S. economy has lost jobs in every single month of 2008. In September, the economy suffered its biggest 1-month job loss, −159,000, in over 5 years. In total, the economy has shed 760,000 jobs since the beginning of the year.

Poor labor markets are significantly increasing unemployment. Within the past year, the number of unemployed Americans has increased by 2.2. million. In September, there were 9.5 million unemployed workers, keeping the unemployment rate at a 5-year high of 6.1 percent. Thus, it has become harder for Americans to find jobs.

The economy is faced with credit crunches. Individuals have found it difficult to get first or second mortgages, credit, credit cards, and loans, including student loans. Because of the compendium of these economic concerns, coupled with the drying up of the credit market, I have changed my vote from a few days ago from a ''no'' to a ''yes.'' I changed my vote because of my concern for the well-being of the American people.

The first three articles of the United States Constitution address the three branches of Government and their enumerated powers. These Articles govern the legislature, the executive, and the judicial branches. Because there is no specific grant of constitutional authority for the actions that will be taking place here today, we the Members of Congress need to exercise oversight over the powers and actions of the executive. Should the executive or its agencies exceed the powers granted to it in the Constitution, the judicial can review the determinations made by the executive and the legislative branches. These concepts are fundamental to our Constitution and our system of constitutional checks and balances. These checks and balances were established by the Founding Fathers to reign in the unbridled power of the executive.

Today we are engaged in a fundamental exercise of the constitutional powers extended to the Congress. Today's vote is critically important.

Several questions come to mind when I consider the present financial crisis: Where was the FDIC? Where was the SEC? Where was the Federal Reserve?

I have worked with leadership to offer consistent amendments, not once but twice unsuccessfully, that would have strengthened the enforcement measures over the past week to change the administration's proposal to make it more encompassing, effective, and better for the American people.

While the present legislation is impressive, it is also impressive regarding what needs clarification in the present legislation. For example, the legislation needs clarification on its bankruptcy restructuring, enforcement, and judicial review. These are all issues that I have been very concerned about.

Because I am concerned and desire that the maximum number of Americans get relief from this bill, I offered amendments yesterday. To ensure that this bill provides relief for Americans, I offered the following amendments:

First, many are concerned about the dollar amount that will be set aside for those individuals facing mortgage foreclosure. Therefore, I asked that language be inserted into the bill so that $10 billion be utilized for the Secretary of the Treasury to restructure mortgages.

Second, as Senator BARACK OBAMA has recently stated, he is committed to altering the bankruptcy code in the future to assist homeowners on the question of restructuring their mortgages. Therefore, I believe that there should have been Sense of Congress language that the Congress should review and amend the bankruptcy code to permit bankruptcy judges to address the question of individual home mortgage restructuring. This would have sent a clear message that Congress is interested in helping Americans pay off their debt despite its not changing the bankruptcy code at this time.

Third, there needs to be greater enforcement. In the section on judicial review, Section 119, there should have been language that specifically states that ''the courts should be able to exercise their discretion to grant injunctive and/or equitable relief if the court determines that such relief would not destabilize financial markets.''

Fourth, the legislation should have created a new, independent commission to exercise oversight over what happened and the commission should regularly provide reports to Congress. This commission would be backward looking.

Fifth, the legislation should have been narrowly crafted so that corporate executives who may be convicted of criminal malfeasance in the financial sector might be barred from conducting financial business with the Government for a period of 7 years.

Sixth, the legislation should have permanently lifted the present insurance cap of $100,000 that the FDIC has established to insure funds stored in FDIC-backed banking institutions to $250,000. I believe that this has already been included in the Senate bill; but, my amendment would have made the change permanent.

Seventh, in section 109, which addresses ''foreclosure mitigation efforts,'' the language should be changed from ''shall encourage'' to ''shall require'' to provide stronger relief for Americans.

Specifically, current section 109(a) states in pertinent part that ''the Secretary shall implement a plan that seeks to maximize assistance for homeowners and use the authority of the Secretary to encourage the servicers of the underlying mortgages . . . to minimize foreclosures.'' I believe if the true intent is to bailout ''Main Street,'' the Secretary should be ''required'' to minimize foreclosures.

There are certain redeeming qualities to the bill.

I understand that H.R. 1424 establishes a Financial Stability Oversight Board in section 104; Oversight and Audits in section 116; and a Congressional Oversight Panel in section 125. Therefore, these sections provide some oversight over the financial crisis and help to add one piece to the economic puzzle.

Without bankruptcy I offered an amendment that $10 billion should be set aside so that the Department of Treasury could use those funds to address the question of individuals facing home mortgage foreclosure. I considered it important to set aside money because I wanted to ensure that Main Street received something from this bailout and not just Wall Street.

The administration has labeled the current economic situation as a crisis that requires emergency measures. Our vote today in favor of the legislation is a first attempt at addressing these dire economic times.

Above all, my concern is to ensure that the American people receive the relief that they deserve. If the American people are facing mortgage foreclosure, it is my desire that monies be provided to them so that they can continue to stay in their home and pay their mortgages and their bills. Everyone deserves the economic dream of owning their own home. But the financial institutions were dilatory in their responsibility to assess the borrower's ability to pay for loans and purchase a home. It was the squandering of this responsibility and preoccupation with greed and avarice that has led us to where we are today. I am not satisfied that this bill is perfect, but this bill does allow Treasury to buy toxic assets from financial institutions, including our small and community banks. Once these toxic assets are purchased, the Treasury should be encouraged to restructure loans that are in foreclosure. This is indeed encouraging news.

There are substantial improvements in the present version of the bill compared to the Bush administration proposal. However, the bill as it is presently written, in my view needs some clarification as to how it provides the necessary relief to middle-class America. There are provisions now that address accountability measures by requiring a plan to ensure the taxpayer is repaid in full, and requiring congressional review after the first $350 billion for future payments.

Principally, there are three phases of a financial rescue with strong taxpayer protections: reinvest, reimburse, and reform. One of the phases is to reinvest in the troubled financial markets to stabilize the markets. Another, reimburses the taxpayer and requires a plan to guarantee that they will be repaid in full. The last is to reform how business is done on Wall Street. The current legislation provides for fewer golden parachutes and, to its credit, provides sweeping congressional oversight.

There are critical improvements to the rescue plan that yield greater protection to the American taxpayers and even to Main Street. However, with the passage of this bill, it is my hope that H.R. 1424 will help the financial markets and make America secured. I am cautious and hopeful that there is enough in the bill to help Americans struggling with their mortgages.

Although I have certain lingering concerns regarding this bill, I have voted for this bill. After meeting with an Assistant Secretary for the Treasury, some of my concerns were answered; others remained. For example, the Assistant Secretary indicated Treasury's intervention in the markets will afford it the opportunity to purchase toxic assets. After Treasury purchases these toxic assets at fair market value, it is expected that the purchase price will set a marker so that other similar classes of assets will be purchased at the same or higher price level. This is a positive development for banks and financial institutions to recapitalize themselves. By itself this would be a help to commercial banks that desire to sell off their toxic assets.

In my conversation with the Assistant Secretary, he indicated that as time goes on, Treasury will develop guidelines for identifying and helping troubled small and community

banks. It is intended that small and community banks and small, women, and minority-owned businesses will all be aided by this legislation. These latter institutions will be aided because it is expected that there will be more liquidity in the market available to these entities and that more credit can be extended to them.

Lastly, the Assistant Secretary indicated that under sections 109 and 110, that Treasury has every incentive to renegotiate the terms of troubled mortgages. Importantly, the Assistant Secretary indicated that not all homeowners who are facing mortgage foreclosure will be helped. The goal, however, is to help as many Americans as possible.

I have drafted a letter to Chairman FRANK of Financial Services, and I have raised several questions to which I would like answers.

First, I have asked Chairman FRANK that should something go wrong with this bailout, whether Congress can be called to reconvene at any time before or after the election.

Second, I have asked Chairman FRANK to share the constitutional grant of authority that would prevent the Secretary of Treasury from having unfettered power so that there will be a balance between the interests of the banks and individual homeowners.

Third, I have asked Chairman FRANK what members of Congress can expect in the 111th Congress regarding follow-up on this bill and the financial situation generally.

Fourth, I have asked Chairman FRANK to answer how members can ensure that community and regional banks can take advantage of this bill.

These are critical questions that need to be answered.

I believe that Wall Street is an important and vital part of the Nation's economy. I believe that the people who work there are good. It is a well known fact that financial markets do not always serve small businesses and minorities. I have personally had experiences where good hardworking people and small business owners were denied access to financial markets.

I believe in America and I believe in its Constitution. I believe that this bill would allow constant monitoring and vigilance and would help the American people.

I am reminded of the Preamble to our Constitution, which reads:

''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.''

I would like to end with a quote from Alexander Hamilton: ''the sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself and can never be erased or obscured by mortal power.''

I hope that this legislation will provide the American people with the sun beam. It is my hope that this legislation works and that it serves the American people.

Mr. SCOTT of Virginia. Madam Speaker, we obviously have a crisis in the financial markets. Major firms have failed and others are failing. We are in an economic downturn with people losing their homes, businesses going under, and credit drying up for small businesses and consumers. The current crisis is the predictable consequence of the failed economic policies of the last 8 years. These policies are the ones that have produced record budget deficits, the worst job growth since the Great Depression—including our ninth consecutive month of job losses—and the worst Dow performance in over three decades. Congress should address the crisis with appropriate legislation.

The Senate bill that we considered today is not fundamentally different from the bill we voted on Monday, although some have attempted to change the name of the package from a ''bailout'' to a ''rescue.'' The foundation of the bill remained the outlay of $700 billion for the purchase of worthless assets. On balance, the final version of the bill was still not a good deal for taxpayers.

Whether or not the bailout act we voted on today was a ''good'' deal rises and falls on the issue of fair value. You cannot rationally determine the worthiness of a purchase, without first assessing what the fair value is, and whether you are paying more or less than that fair value. If the bailout legislation included a provision that would provide that the Federal Government would pay no more than the good faith estimate of the fair value for the assets, then it would be a good deal. Some of the assets we will be asked to buy are options, derivatives, and other exotic speculative investments that are in fact worthless. There is no public policy rationale to bail investors out of speculative securities that did not pay off. Since there is no commitment to calculating a good faith fair value price, and to paying no more than that price, this is a bad deal for the American people, because we will undoubtedly overpay for these assets. Therefore, the worthiness of the deal rises or falls on the commitment to limit payments to a fair value.

I am not suggesting that establishing a fair value of these assets will be easy. But there are well established factors in other situations to determine the value of assets when selling prices or bid and asked prices are not available. And it is our obligation as protectors of the U.S. Treasury to require that no funds should be spent without a reasonable assessment of what we are buying.

Furthermore we should not give unlimited discretion to buy assets at prices obviously higher than fair value to an administration frequently accused of cronyism and favoritism.

We are dealing with three separate but inter-related problems: illiquidity in the credit market; insolvency of some financial institutions; and the hardship of homeowners. Offering fair value prices for assets will address the issue of liquidity. If we limited purchasing prices to fair value, we could purchase assets, reestablish confidence, wait for the markets to reinvigorate and the private sector could then buy assets back from the Government. Even if it took more than $700 billion, as long as we were paying fair value, and receiving assets earning more than our borrowing costs, we could be confident that, in the long run, this solution would at least break even, and would likely make money for the taxpayer even if we held the assets to maturity. But since the bill provides no limit on the price we pay for assets, we will undoubtedly overpay, and lose money on the deal. If we paid fair value, we could solve the liquidity crisis without any likely cost to the taxpayers. Unfortunately, there is nothing in the act to restrict payments for assets to their fair value.

The problem with illiquidity which affects credit relates to lending institutions holding valuable but temporarily illiquid assets on their books. While there is no market for those assets, accounting regulators require the assets to be valued at virtually zero. Since lending authority is directly related to the institution's capital, this markdown significantly reduces lending authority, which leads to the credit crunch. This problem can be solved either by the government purchasing the assets at fair value or by a change in accounting regulations to allow assets to be booked at ''fair economic value'' rather than ''market value''. This administrative change in the ''mark to market'' rule would significantly increase lending authority at no cost to the taxpayer. In addition there are a handful of banks that have sufficient capital but not enough deposits to sustain lending authority; in those few cases, simply depositing federal funds in the bank would increase lending capacity.

Another factor affecting credit is the reluctance that banks have to lend money to other banks; for fear that the other bank might go broke without notice as several recently have done. This problem can be cured by the issuance of ''net worth certificates'' which would guarantee the net worth of a bank, for a fee which would insure that there would be no net cost to the taxpayer. This has been done successfully in the past.

There are other ways to instill confidence in financial institutions without spending any of the taxpayer's money. William Isaac, former head of the FDIC, has suggested that FDIC exercise the powers already granted to it by Congress. The FDIC can take emergency action and declare that no general creditor of a failed bank will suffer a loss if the bank fails. That declaration, when coming from the FDIC would, by statute, be backed by the full faith and credit of the United States. This action would be a signal to the worldwide market that the full faith and credit of the United States stands behind our banks, and an influx of capital would soon follow. Another FDIC change would be to increase the limit at which FDIC insures deposits from $100,000 to $250,000. This would limit the destabilizing impact of major withdrawals from banks. This provision is not controversial and is actually in the bill.

Another factor which affects capital and therefore lending authority is the downward pressure on stock prices caused by short selling. Administrative action has already been taken to prohibit ''naked short sales'' and to restore the ''uptick'' rules.

After the bill was defeated on Monday, I worked with other members who were skeptical of the bill, to propose cost-effective solutions to the crisis. Representative PETER DEFAZIO has produced a bill, the No BAILOUTS, Bringing Accounting, Increased Liquidity, Oversight and Upholding Taxpayer Security Act, that outlines administrative changes that could be implemented at no cost to the taxpayer. The bill directs the administration to implement a net worth certificates program, adjust mark to market valuation rules, increase FDIC insurance limits, and regulate short sales. These no-cost changes would be more likely to have an impact on the domestic credit crunch than spending $700 billion purchasing worthless assets from all over the world.

Some argue that overpaying for assets will help solve the second problem of the crisis,

the insolvency of some financial institutions, by providing capital to these institutions. I believe that we should help financially troubled companies that have a good chance of stabilizing and coming back with our help. Unfortunately, there is nothing in the bill to stop companies in no distress, or companies that are hopelessly insolvent, from selling their toxic assets to the Government, and any overpayment for assets those companies sell will provide no value to the taxpayer. There are more efficient ways of targeting financial assistance to appropriate companies than making overpayments to all companies.

Congress does have an interest in assisting homeowners, but homeowners struggling to pay mortgages will find little comfort in this legislation. We should have included meaningful assistance for struggling homeowners in the bill. All homeowners would benefit because homeowners who are paying their mortgages on time have been hurt by home prices collapsing because of the flurry of foreclosures, and perspective homeowners are having difficulty finding new mortgages. The bill directs the Treasury Secretary to implement a plan to decrease foreclosures, ''to the extent that the Secretary acquires mortgages''. The problem is that the toxic securities that the Treasury is being asked to buy are not individual mortgages, but options, derivatives and other securities comprised of portions of hundreds and sometimes thousands of different individual mortgages. It is therefore unlikely that the Secretary will have the authority to change the mortgage terms and help prevent foreclosure in any significant number of actual mortgages.

There are many effective ways to actually help homeowners. In November 2007, Representative JOE BACA introduced H.R. 4135, the Family Foreclosure Rescue Corporation, FFRC. Representative BACA's bill is based on the concept of the Home Owner's Loan Corporation, HOLC. During the Great Depression, this Government entity was created to buy troubled mortgages, and then refinance the mortgages at rates the homeowners could afford, preventing more foreclosures and stabilizing housing prices. When HOLC ended operations in 1951, it had turned a profit to the taxpayer. H.R. 4135 would create the Family Foreclosure Rescue Corporation, FFRC, to refinance loans for people currently in foreclosure or in serious default. Families will be able to refinance their mortgage through a Government administered loan with a set interest rate. FFRC would assist homeowners paying on the mortgages that back many of the toxic assets the Treasury is being asked to buy. Providing stability in the mortgage market is a much more direct solution to the foreclosure problem than overpaying for worthless options and derivatives backed by the bad mortgages, and this strategy is much more likely to help struggling homeowners. The HOPE for Homeowners program, a Federal program established by the housing bill passed earlier this year, is another program designed to directly assist homeowners, and Congress could do more to encourage mortgage holders assist their mortgage payers and themselves by utilizing the program. Changes to bankruptcy rules that would allow homeowners to renegotiate the loan on their primary residence would be another provision that would help homeowners.

Although the major assessment of the core provisions of the bill rises and falls on the issues of fair price valuation and actual assistance to homeowners, there are other issues addressed in the legislation. The media has reported that there are provisions in this bill to limit executive compensation and to protect the taxpayer. The actual language in this bill does not support these reports. There are huge loopholes in the bill that allow companies to continue to pay executives exorbitant salaries. And, the taxpayer protections in the bill are flimsy. If the bailout does not pay for itself, the bill leaves it to a future administration to propose a bill to tax financial institutions to raise the money taxpayers have lost. In a Congress where there is outrage against any new tax proposal, if there is no political will to pay for the bailout in the middle of the crisis, there will be even less political will to raise taxes on financial institutions that may still be struggling in the future.

The failure of the bill to limit the purchase of any assets to the fair value of those assets means that the bill will not effectively address the underlying issues: purchasing worthless assets adds nothing to general liquidity; overpaying for assets from all companies is an inefficient way to help those companies who only need temporary assistance to survive; and overpaying for assets does nothing for homeowners. Furthermore, this bill will fail to instill confidence in the market when it becomes apparent that the language of the bill is unlikely to match the public description of the bill on CEO compensation, foreclosure prevention and protection of the taxpayer. For those reasons, I regret that I was unable to support the bill.

We should have drafted a new bill with the inclusion of many of the alternative proposals I have laid out in this statement. The result would have been a comprehensive bipartisan bill which targets our Federal assistance to the goals we need to address: illiquidity in the market, solvency for appropriate businesses, and assistance to homeowners.

By spending $700 billion ineffectively on this crisis now, we will not have funds to respond to the next phase of our financial crisis in the future. For example, homeowners are continuing to lose their homes, and we have done very little to stem the tide of that problem. And because of today's vote, we will have fewer resources to address that problem in the future. Furthermore, we must not forget that the underlying problem is that we are in an economic downturn, and our actions must be deliberate and measured if we are going to steer our way out of this mess. Unfortunately, we now have $700 billion less to address our economic situation.

There are many administration initiatives that require virtually no taxpayer money, which would have a huge impact on the banking crisis, the solvency of businesses, and the challenges of homeowners. We should have begun with proposing those no cost administrative changes, before we authorized the expenditure of $700 billion on a plan unlikely to make any difference at all.

Mr. HOLT. Madam Speaker, I rise today in reluctant support of H.R. 1424, the Emergency Economic Stabilization Act.

My constituents are angry and I am too that we let our economy get to this point. The speculation and greed of Wall Street in recent years—coupled with years of failures, excesses, arrogance, and irresponsibility of the regulatory agents, Treasury and other Cabinet Departments, the White House and even some in Congress—has resulted in the meltdown of our Nation's financial and credit markets.

Many have passionately called for rejection of this compromise bill sent to us by the Senate following the rejection of the House bill earlier this week. There is a temptation for me to vote ''no.'' We could teach a lesson to Wall Street highflyers. We could teach a lesson to Secretary Paulson, President Bush, and the regulatory agencies. We could teach a lesson to the mortgage companies who entice borrowers to get over their heads. We could teach the Senators a lesson not to attach extraneous things to a financial bill. We could let the credit markets freeze up. We could let small businesses fail to meet next week's payroll. We could let college students drop out because they can't pay tuition. We could leave farmers, homeowners, and factories out in the cold. Would that teach the right lesson to the right people? I don't think so.

Market turmoil is affecting more than the 78,000 New Jerseyans who work on Wall Street and the 266,200 New Jerseyans who work in the financial services sector throughout the State. There are thousands of my constituents who are not traders or high powered executives but still work in impacted industries. If left unchecked the credit crisis will hurt all of New Jersey, painfully affecting New Jerseyans from factory to financial district from farm to pharma. Furthermore, millions of Americans who have retired or are nearing retirement have seen their value of their pensions shrink. If day-to-day credit tightens up, Americans will not be able to get loans for college, cars, or a new furnace for the corner store. We need to act to ensure that retirement funds and pension plans are not devastated by investments that have lost value in a jittery market. Indeed we must act—we must stand behind our institutions, restore confidence in our markets, and protect millions of Americans who would be affected by a continuing collapse. That said, this bill is only one way to do that, and not the best way. I have worked with my colleagues to improve this bill, and I believe these improvements are sufficient to make the bill worth approving.

There is much that should have been done and must still be done fix the problems in federal financial oversight agencies. The Treasury Department should have exercised its authority to oversee the mortgage markets. The Federal Deposit Insurance Corporation, FDIC, should have raised the insurance limit on deposits, which has not been raised for 28 years, and created a net worth certificate program similar to the one that helped shore up banks in the 1980s. The Securities and Exchange Commission, SEC, should have prohibited short selling especially, naked short selling. It should have changed the mark-to-market rule that forces banks' assets to be valued not at their long term worth but at what they would be sold—if only they could be sold—for on market today. Alan Greenspan, the Chair of the Federal Reserve, should have followed the instructions of Congress in 1994 to regulate the mortgage market. Greenspan failed to act to institute oversight for years and years and when succeeding Chairman Bernanke finally recognized the need to act it was years too late. Had the Treasury Department, FDIC, the Federal Reserve, and SEC acted we would not be in this mess today. The

Democratic Congress has tried to set this right several times. However, we failed to convince the administration to do what was right. Recently I have joined my colleagues in introducing legislation requiring the Treasury Department, FDIC, and SEC to take these actions and it is my hope that they will use their existing authority to undertake these common sense measures. Indeed some of those recommendations are included in this final version of the bill that is before us today.

After careful and thoughtful review, I support the bill before us today because this legislation will help to mitigate this financial crisis, restore confidence in our financial institutions, and bring much needed liquidity to our marketplace. This bill is not, as so many of my colleagues have said on the floor today, a bailout that will save the fat cats on Wall Street. Had we accepted Secretary Paulson's original proposal that is exactly what it would have been. If the President had his way, he would have ridden a wave of fear and railroaded Congress into passing Secretary Paulson's original 3-page proposal asking for $700 billion—with no oversight—to bail out the financial services agencies. I did not support the original plan. The bill before us is a significant improvement to the original Bush-Paulson plan. While I believe that every Member of this body has what they think are better ideas how to fix the problem, no one has 218 votes for his or her plan. This is the plan we have. Legislative compromise is rarely pretty to watch.

This legislation includes protections to ensure that the taxpayers' money is not wasted. Only half of the authorized $700 billion would initially be available to the Treasury Department. A strict oversight board would be created to monitor how these funds are being used and the effect it has on the economy, and to advise the Secretary of the Treasury Department on how these funds are used. Congress and the President would have to approve the release of the next $350 billion if it is needed. This legislation would require the Treasury Department to implement a plan to mitigate foreclosures and to encourage lenders to modify loans and mortgages to prevent foreclosures and keep people in their homes. The bill also helps save small businesses that need credit by allowing small community banks to deduct losses from investments in Fannie Mae and Freddie Mac stocks. It will shore up banks by increasing FDIC insurance to $250,000 and prevent runs on banks. Finally, we can expect that taxpayers will recoup most of the money spent on this proposal through the equity they will hold in companies helped by this proposal. The total cost will be much, much less than $700 billion.

This legislation also extends a needed tax relief which, unless extended, would expire at the end of the year. It will provide a one year patch that will prevent 88,000 New Jerseyans from getting hit by the Alternative Minimum Tax, AMT, this year. It will retain and create half a million jobs and strengthen our economy by extending the renewable energy tax credits. It will extend essential tax cuts for American families helping 4.5 million Americans afford college by extending the tuition deduction, and extending the child tax credit. It will extend for 1 year my initiative that allows a property tax deduction for taxpayers who do not itemize on their tax returns of $500 for single filers and $1,000 deduction for joint filers. The legislation helps American small businesses by extending the R&D tax credit and the new markets tax credit. It will also require mental health parity in employer-based insurance and end discrimination against patients seeking treatment for mental illness, an initiative that I have been working on since I was elected to Congress. These extraneous tax provisions should not have been added by the Senate. Nonetheless, most of the tax cuts in this bill have been passed by the House several times and are not "pork." In fact they are the same tax benefits that are currently in effect and that this body has passed several times.

I do not deny that there are provisions in this bill that do not belong. In fact, the provisions decreasing the excise tax on Puerto Rican rum as well as the decrease in the excise tax on wooden arrows are egregious. There should not be a tax deduction for movie and television producers. Nor should this legislation encourage the production of dirty fuels like coal to liquids and oil shale. I cannot justify these provisions, but I will not vote against teachers being able to get a tax deduction for buying supplies for their students, against the solar tax credit which has helped New Jersey become one of the nation's leaders in solar energy production, or against incentives for businesses and individuals to donate items to schools.

We can expect that H.R. 1424 will help American families by loosening the credit market. However, if we do not address the origins of this problem we will be forced to come back again to address the symptoms. The root of this problem is that bad mortgages, when mixed with the good mortgages, have poisoned the financial papers. We need to help Americans saddled with these bad mortgages. It is estimated that a million currently solvent mortgages will turn toxic by next year and further destabilize our financial institutions. It is our responsibility to prevent this from happening. Doing so would benefit the homeowners, the neighborhoods, the towns, and the investors in the financial district.

I suggest that we consider a model that has been proven to help the homeowner, the Home Owners' Loan Corporation, HOLC. The Home Owners' Loan Corporation of the 1930's through the 1950's helped people with their mortgages. It was a Federal program that shored up a collapsing market and rescued a million homeowners. Incidentally, when it finally went out of business, it showed a net plus for the taxpayer. I will be introducing legislation which would create such a program. Indeed, that legislation should have been used instead of the Paulson-Bush approach.

I believe that Congress should come back into session after the November elections to pass such a bill and to take up an economic stimulus package that will help those suffering on Main Street. It is deeply concerning to me and infuriating to our constituents that as we have focused on the crisis on Wall Street we have not paid comparable attention to American families that have been struggling for months. The unemployment rate has been steadily increasing, reaching 6.1 percent this month, the highest level since 1992. This year, 605,000 Americans have lost their jobs. Employed Americans are continuing to struggle with increasing energy and food costs and decreasing wages. Many are at risk of losing their pensions due to bad decisions made by Wall Street. We must deal with the bad mortgages. People want to punish those who behaved recklessly. There may be actual legal action. That may provide some satisfaction, but without today's bill it would not address the crisis of confidence, it would not help the people who are about to be hurt financially. We must deal with the long term problems: problems of bond traders wheeling and dealing in paper with no thought of the homes, factories and people behind these bonds; problems of some employers who show no allegiance to their workers; problems of families who in good times consume more than they save; problems of regulatory agencies that revel in the unrestrained trading. We should not wait for a new administration to help Americans who are suffering from this economic downturn and I urge my colleagues to reconvene Congress after the elections to address our Nation's pressing economic concerns.

Mr. TURNER. Madam Speaker, I oppose H.R. 1424 today because it does not address the real problems that caused this current financial crisis.

Madam Speaker, I voted against the financial bailout legislation that failed on Monday, with the hope that Congress could then work on different ideas for how to solve this problem. Instead, we have been given nearly the exact same proposal, with little modification, but with a much larger price tag. Although I support taking action to help correct the damage done to our markets, I believe that making the wrong choice today places a risky and heavy burden on American taxpayers. Today's legislation does not provide adequate assistance to homeowners, does not provide assistance to communities with large quantities of foreclosures, and does not prohibit the predatory lending practices that got us into the current crisis.

Madam Speaker, the Treasury Secretary and the Chairman of the Federal Reserve have both indicated that this may not work. Further, there is no backup plan if this proposal does not work. When discussing this bailout, it is important that people keep in mind that agreeing to the $700 billion price tag could be only the beginning. This bailout would transfer billions of dollars in mortgage-backed securities to the federal government and provide no roadmap for what comes next. If these properties are foreclosed, the federal government is not prepared to become the Nation's largest homeowner without seriously considering how it will handle these mortgaged properties. If the Federal Government takes possession of these mortgages, questions like "who will replace the roofs and windows," will abound.

That is why I have introduced H.R. 7113, the Preserve our Neighborhoods Act, a bill which would allow communities who have been hit hardest by the foreclosure crisis to purchase the mortgages acquired by the Treasury during the course of the bailout. This would allow these local governments to take abandoned, blighted properties, and redevelop them for more productive use.

Additionally Madam Speaker, I have joined my Ohio colleague Congressman STEVE LATOURETTE in attempting to amend the current package to reduce the amount of the initial bailout payment, and increase Congress's role in allocating additional funds. Both of these provisions would provide some commonsense reforms to this bill—these provisions would add accountability to the bailout

payment, and address a real problem that's facing local communities.

Congressman Representing Ohio's Statement H.R. 1424 Concurring to the Senate A Speaker,

But sadly Madam Speaker, these reforms are not a part of this package. Instead, we have essentially the same package we had before, only with tax credits and earmark spending. Any legislation that we bring forward should hold the right people accountable and prohibit the bad lending actions that led to this crisis. Today's bill fails in this respect and therefore leaves us vulnerable to the same situation in the future.

While I am in favor of the tax extenders and have voted in favor of mental health parity, both of which are included in the current package, the underlying problem still remains: how does the federal government address the foreclosures that have led to this mess. Something should be done Madam Speaker. Something should be done to fix this problem. Unfortunately, H.R. 1424 is not the solution.

Mr. PAUL. Madam Speaker, only in Washington could a bill demonstrably worse than its predecessor be brought back for another vote and actually expect to gain votes. That this bailout was initially defeated was a welcome surprise, but the power-brokers in Washington and on Wall Street could not allow that defeat to be permanent. It was most unfortunate that this monstrosity of a bill, loaded up with even more pork, was able to pass.

The Federal Reserve has already injected hundreds of billions of dollars into U.S. and world credit markets. The adjusted monetary base is up sharply, bank reserves have exploded, and the national debt is up almost half a trillion dollars over the past two weeks. Yet, we are still told that after all this intervention, all this inflation, that we still need an additional $700 billion bailout, otherwise the credit markets will seize and the economy will collapse. This is the same excuse that preceded previous bailouts, and undoubtedly we will hear it again in the future after this bailout fails.

One of the most dangerous effects of this bailout is the incredibly elevated risk of moral hazard in the future. The worst performing financial services firms, even those who have been taken over by the Government or have filed for bankruptcy, will find all of their poor decision-making rewarded. What incentive do Wall Street firms or any other large concerns have to make sound financial decisions, now that they see the Federal Government bailing out private companies to the tune of trillions of dollars? As Congress did with the legislation authorizing the Fannie and Freddie bailout, it proposes a solution that exacerbates and encourages the problematic behavior that led to this crisis in the first place.

With deposit insurance increasing to $250,000 and banks able to set their reserves to zero, we will undoubtedly see future increases in unsound lending. No one in our society seems to understand that wealth is not created by government fiat, is not created by banks, and is not created through the manipulation of interest rates and provision of easy credit. A debt-based society cannot prosper and is doomed to fail, as debts must either be defaulted on or repaid, neither resolution of which presents this country with a pleasant view of the future. True wealth can only come about through savings, the deferral of present consumption in order to provide for a higher level of future consumption. Instead, our Government through its own behavior and through its policies encourages us to live beyond our means, reducing existing capital and mortgaging our future to pay for present consumption.

The money for this bailout does not just materialize out of thin air. The entire burden will be borne by the taxpayers, not now, because that is politically unacceptable, but in the future. This bailout will be paid for through the issuance of debt which we can only hope will be purchased by foreign creditors. The interest payments on that debt, which already take up a sizeable portion of Federal expenditures, will rise, and our children and grandchildren will be burdened with increased taxes in order to pay that increased debt.

As usual, Congress has shown itself to be reactive rather than proactive. For years, many people have been warning about the housing bubble and the inevitable bust. Congress ignored the impending storm, and responded to this crisis with a poorly thought-out piece of legislation that will only further harm the economy. We ought to be ashamed.

Ms. SCHAKOWSKY. Madam Speaker, I rise in reluctant support of H.R. 1424, the Emergency Economic Stabilization Act. On Monday, the House failed to pass a rescue package, and the stock market dropped 777 points—the biggest one day point drop in US. history. The impact of that drop wasn't just felt on Wall Street; it was also felt on Main Street. On Monday alone, Americans lost $1.2 trillion in the stock market. Almost 50 percent of Americans are invested in the stock market in some way, whether through retirement accounts or private investments, and they rely on credit and their investments to make ends meet.

This legislation is about protecting people's retirement accounts and pension plans. In the last year, investments have declined by nearly 24 percent, putting the retirement security of millions at risk; I am worried that without this package, they will continue to the downward spiral. This legislation is about making sure that there is enough credit in order for students and families to take out loans to afford to go to college. It is about letting businesses make their payroll. It is about helping people stay in their homes. That is why dozens of groups representing educators, colleges, the homeless, pension managers, and others support this legislation,

I want to make it very clear that I think this legislation is far from perfect—and, like many of my colleagues, I would have written a very different bill. However, I believe that Monday demonstrated that we had to act. Years of harmful Republican policies that pushed for deregulation and tolerated an almost total lack of enforcement, and a misguided philosophy that insisted that an unregulated market can heal all ills, have now led us to the brink of economic collapse. And I am deeply concerned—and hundreds of economists agree—that the failure to act could lead to a major economic depression.

Again, the rescue plan, while still imperfect, has come a long way from where we began. Instead of giving the President $700 billion with virtually no oversight or safeguards, we require Congressional review after the first $350 billion. And this legislation requires equity sharing, so taxpayers would benefit from future growth in the investments they have bought, and it requires Wall Street to pay back any losses to the Government. We are stopping forms of executive compensation that would encourage executives to take excessive risks, eliminating golden parachutes for executives who take part in the Government program, and cracking down on excessive compensation practices for the first time in history. And we include strong, independent oversight to protect the taxpayer, including two oversight boards to ensure that the Treasury Secretary is acting on good faith, as well as judicial review over the Secretary's actions.

While I would have liked to see the tax provisions paid for by rolling back some of the President's tax cuts to the wealthiest Americans and closing corporate loopholes, there are also important tax fixes that will benefit millions of Americans and small businesses across the country. The legislation provides property tax relief to up to 30 million homeowners—extending a new $1,000 property tax deduction for non-itemizing couples through the end of 2009. It extends the qualified tuition deduction for low- and middle-income Americans. It extends the child tax credit, which will benefit millions of Americans with children age 17 and younger. It extends the Research and Development tax credit, which spurs innovation and job growth in the technology sector. And it extends critical renewable energy and energy efficiency tax credits to help the green economy take shape.

This legislation also contains critical, comprehensive mental health parity legislation that will bring mental health insurance benefits in line with physical benefits. I have not held a health care meeting in my district without the issue of access to mental health care being brought up by my constituents who have faced discrimination or difficulty obtaining affordable care. I am proud that we are continuing Senator Paul Wellstone's legacy by passing a bill that guarantees equal access to mental health and substance abuse treatment. I also want to thank Representatives PATRICK KENNEDY and JIM RAMSTAD for their persistence and passion in passing the Paul Wellstone Mental Health and Addiction Equity Act.

There is so much more we should do. I am strongly committed to enacting a second stimulus package that will truly benefit the American people. Today the House enacted 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation, with workers in high unemployment states eligible for an additional 13 weeks of benefits. However, I believe we also need to make investments in our highways, bridges, transit systems, and schools; we need increases in food stamps benefits; and we need a crucial temporary increase in Medicaid payments to States. Studies have shown that those are some of the quickest forms of economic stimulus because those benefits and investments are spent quickly.

This bill represents unfinished business. I will fight my hardest to make sure that we rein in the excesses of corporate America in the next Congress, and to see to it that this crisis does not happen again.

Mr. TIAHRT. Madam Speaker, at the end of the day, I was sent to Congress in November 1994 because the people of the 4th congressional district of Kansas believed in the message of less Government spending, personal and corporate responsibility and lower taxes. Therefore, I remain committed to those who

sent me here and opposed to the unprecedented power that would be given to the Federal Government through this bill.

Last week, the Treasury Secretary came to Congress with a message: he needed $700 billion and he needed it now. I understand the need to act and the need to act quickly. At that time, however, I stood with my Republican colleagues and opposed the hasty call for an unprecedented blank check to the Federal Government.

Over the weekend, Congress negotiated with the Secretary to work out a better proposal through several non-government based approaches. Some of the provisions I could support but the fact remains that a $700 billion bailout of Wall Street is too much for our taxpayers to bear.

On Monday, I joined with a majority of my Republican and Democrat colleagues to defeat this short-sighted fix that exposed Americans everywhere to long-term debt that could lead to an even greater financial crisis.

Not wanting to be outdone, the Senate quietly inserted over a billion dollars worth of pork: $148 million for wool fabric producers, $2 million for the makers of wooden arrows for children, and a $100 million tax break to benefit NASCAR racetracks. Even Hollywood got a tax break gift worth nearly half a billion dollars.

What was a three-page idea had grown in a week to more than 450 pages.

What it comes down to is that a $700 or $800 billion bailout with voluntary reforms was not a plan I could support. Worse yet, Sec. 112 of the Senate bill, allows foreign financial institutions who hold troubled assets as a result of extending financing to financial institutions that have failed or defaulted on such financing to participate in this massive Government bail-out. What does this mean? Simply, the Federal Government has invited foreign financiers to participate in this bailout on behalf of every American.

However, my decision today to oppose the Senate bill does not come easily. Many of us lost savings. Many employers expressed concerns about access to credit so they could make payroll for their workers. I heard from hard-working Kansans who were concerned about a downsized economy that could force them out of a job.

A quick bailout fix might work for a short time, but it may not be long before we are asked again for more tax dollars. This is evidenced by recent Government bailouts of Bear Stearns, Freddie Mac and Fannie Mae, AIG, and the $25 billion tossed to the auto industry. A quick bailout fix might work for the short term, but without addressing the underlying problems, we will be asked again for more tax dollars.

An economic rescue plan needs to include reforms that tie mortgage broker's commissions to borrowers' timely payments; a mandatory FDIC-type insurance program for entities with troubled mortgages; a suspension of "mark to market" accounting procedures; a temporarily suspension of capital gains taxes; and a permanent, not a temporary increase on FDIC coverage from $100,000 to $250,000 coupled with an increase in premiums so that the statutory obligation of 1.15 percent is met.

The mandatory FDIC-type insurance program would require the Treasury Department to guarantee (losses up to 100%) resulting from the failure of timely payment and interest from mortgage backed securities originated prior to the date of the enactment. Such insurance, I believe, would provide immediate value to the securities and a foundation for which they could then be sold. I am disappointed this provision was not included as a mandatory program.

Furthermore, instead of a Government-driven bailout, I support an alternative where the Government enables and coordinates a greater involvement of private investors. An alternative could be to allow companies to carry-back losses arising in tax years ending in 2007, 2008, or 2009 back 5 years, generating a tax refund and immediate capital.

These are just a few alternative provisions that I believe would be better than merely throwing money at a problem we hope to fix. I want Kansans to go to bed tonight with peace of mind and not worry about their savings. I am ready for this financial turmoil to calm and for us to focus on other important things in our lives. But I could not support a $700 or $800 billion bailout plan that embraces temporary relief while shunning long-term reform that brings lasting stability.

I remain committed to working for a long-term solution with Democrats and Republicans who are willing to put the good of our country ahead of short-term fixes. It's the right thing to do.

Mr. LATHAM. Madam Speaker, we have all heard from thousands of our constituents on this measure over the past two weeks. I spoke to one constituent of mine from Iowa yesterday who contacts me regularly to express her opinions and ideas. When discussing her opposition to this bill she summed up the frustrations of Iowans and the overwhelming majority of people across this country. She said "the people out here in the heartland see this bill and bailout as a result of Washington talking to Washington—and not talking and listening to the real people beyond the beltway."

She hit the nail on the head. This measure today is a true result of Washington talking to Washington, of Congressional partisanship blinding the legislative process and blocking the chance for real common sense comprehensive solutions, and members of an administration that are quicker to respond to the needs and pain of Wall Street than the needs and reality on Main Street.

The measure we voted on Monday was based almost exactly on the original plan of one man—that of Treasury Secretary Henry Paulson. This plan was sold to us with no guarantee of success—even from its author. This plan was created and based on a randomly selected price tag of $700 billion to the American taxpayers. When asked about why that number was chosen, a spokesperson for the Treasury Department responded in a news article last week that they came up with it because they wanted "a really large number."

Additionally, the question has to be asked of this plan—is it morally right to spend hundreds of billions of dollars to reward and benefit those on Wall Street who were knowingly involved in risky and, sometimes, exotic financial investments that were hidden from the eyes of Federal regulators?

Why is Washington so quick to focus on the needs of Wall Street at the cost of those responsible Iowans who have sacrificed, saved, and spent within their means?

No wonder real America has lost faith in Washington.

I voted against almost this same measure on Monday afternoon. It was a tough vote but it was the right vote. I took that vote so we could sit down as Americans who are truly interested in the well-being of all people in this Nation to find a more acceptable path—a well thought out common-sense path. After all, we do agree that something must be done to try and save this Nation and her people for what would be a devastating period of economic disaster.

My hopes, and the hopes of the majority in this country, were dashed after the U.S. Senate not only embraced the plan we voted down earlier in the House, but added an even larger price tag on American taxpayers. And, the Senate—as only could be done in Washington—added hundreds of millions of dollars in pork to the bill to fund children's wooden arrows, race tracks and Puerto Rican and Virgin Islands rum. The Senate turned a deaf ear to the cries of the American people who are opposed to this measure and decided to add even more unwanted items to their tab.

In the interest of full disclosure the Senate did add items that I fully support. Important provisions that could help Iowa's renewables industry—in wind, solar and biofuels—that could help Iowans who are struggling to rebuild after the devastating floods of this summer, and other common sense measures that include increasing FDIC insurance limits.

But the foundation of the Senate bill that we are considering today remains the same—the randomly selected $700 billion plan that was the creation of one man, that empowers that one man to spend the money as he sees fit—yet has no guarantees for success or even realistic protection provisions that will close the taxpayer's check book if the plan is not working. I could never trust anyone person with complete discretion of $700 billion of taxpayer's money—no strings attached.

As the members of this body know, I joined with a group of my colleagues yesterday to work to provide Washington with one last option other than the plan of based on a randomly selected number.

We drafted an amendment that would give Secretary Paulson $250 billion to use as proposed in his original plan. Even he has said that he could only spend at the most $50 billion a month. This gives him at least five months to see if his plan is working, and if it is proving to have success for all of America's economy, then he can return to Congress to request the remaining funds. While I know even $250 billion is unacceptable to many fiscal conservatives, the plan gave the American people some level of control over their tax dollars to know that a plan based on a randomly selected number would have to show success and benefits to main street before it was permitted to move forward beyond that additional smaller price tag.

Our amendment also gave us time—time to come back here and discuss alternatives for the good of the nation as a whole.

I believe that this amendment would have received overwhelming bi-partisan support from the rank-and-file members whose voices were shut out of this process.

Unfortunately, what has become standard operating procedure for a broken Congress, in a broken Washington, the members of this body—representing the hundreds of millions of people in real America—were not even allowed the opportunity to vote on an alternate

plan. Instead we are forced to consider—up or down, no committee hearings, no committee votes—this plan based on a randomly selected number.

This week I have spoken with and listened to the reality of the economic landscape from small business employers throughout Iowa. I have heard from farmers, from colleges, from community governments, realtors, car dealerships, utility companies, and hometown bankers—employers of hundreds of thousands of Iowans. They all have told me of the reality of their experiences with credit markets, the reality of economic turbulence, and the real fears that if nothing is done soon that Iowa is facing economic disaster like most of us have not seen in our lifetime. These are real people from real town America, who are doing the right things, providing good jobs for good people, who are leaders in their community and staples of the local economies who are suffering and face economic disaster not because of decisions they have made, but because of the decisions made on Wall Street and in Washington.

It is clear to all of us that action is needed to protect our economy. But is this plan really the right action we should take? After all, supporting this bill just for the sake that we agree that action is needed does not guarantee that we are moving in the right direction. And, for those who are suffering in real America, actions we take now that are not fully debated and discussed could end up causing more economic harm over the long term.

The events of the past two weeks—and the resulting proposal that we are forced to consider today—make it painfully clear to me, and millions of Americans, that Washington is unwilling, or incapable, of listening to anyone but Washington.

That is why I must stand on principle once again today and vote against this measure with the hope that Washington will wake up and—immediately following this vote—begin the responsible process of working together, working with the American people to find a solution that is well considered based on fundamental economic principles that addresses the real needs of real America—real main street. These are the principles on which our Nation was founded and these are the principles that we have the duty as Americans to stand up and protect.

Mr. FORTENBERRY. Madam Speaker, the choice before us today is not between action and inaction.

That is a false choice.

Clearly there is a very serious economic challenge. The decision before us is whether to adopt a potential $700 billion taxpayer liability to nationalize bad corporate debt or an alternative that may be less costly, easier to implement, and fairer to most Americans who have no blame for this mess.

Earlier in the week, many of us said no to this, and because we said no, many helpful changes were made such as FDIC increases and a change in accounting rules that may be artificially driving down asset values.

I know every Member is making a tough judgment call according to their conscience.

But I have not heard a single Member say: ''I really believe in this. This will work.''

Instead we hear: ''It stinks, it's the best we got, our problems will get worse, and we've got to get it done.''

Madam Speaker, we are the legislative body. We make the law. There are other reasonable options that could be unpacked—hopefully quickly—to address falling asset value, increase liquidity, and provide needed capital.

Ms. KILPATRICK. Madam Speaker, it is with significant reluctance and reticence that I will vote yes, on final passage, of the Economic Recovery Act. In the State of Michigan, which is facing record high unemployment, failure of businesses, and increasingly tighter credit markets, we must do something, right now, to ensure that the citizens, businesses, and organizations of the city of Detroit, the State of Michigan and the United States of America survive. This is not a perfect bill. I would have preferred that Congress explore other options, most of which did not involve a single dime from taxpayers, as was utilized during the savings and loan crisis, in a more deliberate manner. The provisions in the bill that ''recommend'' and ''suggest'' that the Secretary of the Treasury protect senior citizens, working families and others facing foreclosure; that ensure the utilization of qualified ethnic minority and women owned businesses, among others, need monitoring and oversight. The provisions are woefully inadequate and need improvement.

My yes vote, and it is perhaps one of the most difficult votes I have made in my 30 years as a public servant, is a reflection of the fact that if Congress does not do something soon, we possibly face an economic Armageddon the likes of which we have not seen since the Great Depression. Since I voted against the first version of this bill, the stock market has dropped a net of over 500 points and over one trillion dollars in total value. Our labor market has lost over 200,000 jobs in the month of September. Inflation has risen to new highs. My office has been besieged with phone calls from hundreds of small- and medium-sized businesses that cannot purchase goods or services or meet their payroll because they cannot access their lines of credit. Parents in Michigan are concerned that they cannot secure student loans for their children. This inevitably hurts all Americans.

The Constitution of the United States, to which each and every Member of Congress, the House of Representatives and the Senate, takes an oath to protect and defend at the beginning of each 2-year session of Congress. Article I, Section 9, clause seven, of the U.S. Constitution says ''no money shall be drawn from the Treasury but in consequence of Appropriations made by law.'' The Constitution also establishes three separate and distinct branches of government: the legislative, judicial and executive branches. As an Appropriator and for our U.S. House of Representatives, I oppose this bill's unprecedented and unparalleled secession of the power granted to us by the people and the Constitution transferred to one appointed person from the executive branch of the Federal Government.

Households in Detroit, the State of Michigan, and America feel the rumblings of the financial earthquake beneath their feet. Unemployment has risen to all-time highs. Michigan is one of the leading States in unemployment, home foreclosures as well as business losses. The sudden, precipitous and dramatic slump in home values, retirement accounts and pensions is a prelude to worse things to come. I have fielded dozens of phone calls from businesses in my district from small convenience stores and automobile dealerships, to large corporations that are unable to access credit lines to make their payrolls. Without swift, immediate, and strong fiscal action and direction, America and Americans are in dire trouble.

Again, it is impossible for parents to get student loans for their children attending college. It is virtually impossible to get a mortgage with a rate that is reasonable. It is hard to find a decent, paying job. Again, it is tough for businesses to get loans to purchase those goods, items, and services that mean the difference between surviving and thriving, or even making their payroll. We have lost hundreds of thousands of jobs in America this decade. This bill is not a cure-all, by any means. However, it is a start to stop the bleeding from which so many of our citizens and businesses suffer.

This bill does contain several provisions for which I fought and support. The bill will immediately increase the Federal Deposit Insurance Corporation's, FDIC, limit from $100,000 to $250,000, which will increase confidence citizens have in our banking system and prevent bank runs. The home foreclosure provision allows the Secretary, at his discretion, to lower the interest rate and, in some cases, the principal of home mortgages, ensuring that more citizens will stay in their homes and not on the streets this winter. This bill will provide property tax relief to up to 30 million homeowners—extending a new $1,000 property tax deduction for non-itemizing couples through the end of 2009. Finally, the bill provides that minority- and women-owned businesses, along with minority professionals, at the suggestion of the Secretary of the Treasury, will be included as contractors and analysts and will hopefully get a portion of the $700 billion that will be utilized by Secretary Paulson to stabilize our economy.

A key aspect of this bill that will become law is mental health parity for all Americans. Regrettably, too many private health insurers often provide less coverage for mental illnesses than for other medical conditions. Many insurers believe that mental health disorders are tough to diagnose, and that care for mental illness is ineffective, expensive and simply not worth the money. Thanks to this bill, all Americans will have access to mental health care. When mental health care is a part of our general health care, there is often little or no increase in cost to insurers. This is a most important aspect of the bill and is an aspect of which we all can be proud.

While these provisions are not as strong as I would like, my opposition to the overall bill, or to these provisions, is not strong enough to risk the enormous battering that continues to hammer our families and our economic system. The economic consequences of inaction are such that the citizens and businesses of our State and our Nation might not survive. That is a risk that I refuse to take. I will continue to fight for even stronger rules and regulations as we work in the wake of this bill, under a new Democratic President.

With the faith of God, with the support of the people of Michigan, and with the guidance and leadership of my ancestors, I will continue to work and fight to ensure that American families will be able to stay in their homes; that businesses will come back even stronger and employ, engage and ensure that more people have decent, fair paying jobs; and that Detroit and Michigan will rise to the heights that once

made it, and America, the world's manufacturing powerhouse. My support of this bill is a beginning step in that direction.

Ms. SPEIER. Madam Speaker, Wednesday night, before returning to Washington, I had a telephone townhall in my district with over 5500 constituents.

I'm here to report that they are angry.

They are angry that the Government allowed Wall Street mega-banks and manipulators to act so irresponsibly that they have led our economy to the brink of disaster.

They are angry that for over a decade, greed and abuse have been considered higher virtues than oversight and regulation.

Madam Speaker, I'm angry, too. Because of the mess we're in, school districts back home have lost hundreds of millions of dollars in their reserve accounts. A San Bruno man who worked for 30 years at United Airlines is seeing his pension dissolve before his eyes. And Tony, an independent businessman from San Carlos, will likely have to close his remodeling business if he is unable to get short-term credit for supplies.

Now we hear that the State of California may have to declare bankruptcy. These reasons are why I will vote for this bill.

But Madam Speaker, no one should interpret this vote as approval of the situation we find ourselves in.

This anger will not easily dissipate. We must commit ourselves in the next Congress to reregulate the markets and repair the damage that years of ineptitude and inattention have wrought on our economy.

Mr. BLUMENAUER. Madam Speaker, I do not support this economic recovery bill. While it is imperative that Congress act to address this financial crisis, this mixed bag of legislation is not the appropriate immediate or long-term solution. The hard work done by the Democratic leadership over the past week has made it better, but it's still not good enough. It doesn't go far enough to protect taxpayers or to help homeowners stay in their homes. I have been very vocal on the floor of the House of Representatives about my concerns that this proposal won't help our financial situation and may be beside the point.

There are some extremely important provisions in the bill for which I have fought during the past 2 years. For example, the bill extends the production tax credit for wind energy and investment tax credit for solar energy. It includes legislation I drafted to provide a tax credit for the purchase of small wind turbines. And it provides tax fairness so employers can offer the same transportation fringe benefits for bicyclists that they offer to employees who commute by car and public transit.

I'm pleased that this bill will reauthorize the Secure Rural Schools program, which is so important to Oregon. I'm pleased that it will prevent the Alternative Minimum Tax from impacting millions of hard-working, middle class families.

The bad news is that, at a time when our national debt is at its highest point in over 50 years as a percentage of GDP, Senate Republicans chose not pay for most of the good things in this bill. I'm disappointed that the Senate also added a number of provisions to the bill that will provide incentives for coal-to-liquids and oil-shale fuels, which take us in the wrong direction in our battle against climate change.

I hope this bill works to protect our commercial system, but I fear that it won't. I will continue to fight to deal with the consequences of added debt and poor energy investment choices. I look forward to closely scrutinizing the choices that the Treasury Department makes as a result of this legislation and working to improve the position of ordinary homeowners, American taxpayers, and our environment.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in opposition to H.R.1424, the Emergency Economic Stabilization Act of 2008.

There is little debate that there is a real crisis in our financial markets, and I share the sense of urgency felt by my colleagues as we look to bring stability to the financial sector and ensure the availability of credit to all Americans.

I had hoped that when a new bill came to the House, it would be a comprehensive package that would include greater accountability from Wall Street, greater protections for Americans on the verge of losing their homes, and an economic stimulus package that would create jobs to strengthen our economy.

The Senate did include important and beneficial provisions. I strongly support the addition of an increase in the FDIC's insurance cap to $250,000 and favor many of the included tax provisions such as renewable energy and research and development tax credits. In addition, I have consistently advocated for the mental health parity legislation that was the vehicle for this measure.

However, despite these commendable additions, I must remain opposed to the underlying plan of committing $700 billion of taxpayer dollars to an untested plan with an uncertain outcome and inadequate regulations and oversight.

While the bill begins to address the foreclosure crisis, its provisions are far from what many economists believe is needed to have a consequential impact on the American families who are losing their homes. To truly help stop the bleeding, I believe we must get at the root of the problem by including measures such as lifting the ban on loan modifications for primary residences during bankruptcy proceedings. This would enable homeowners to stay in their homes by renegotiating their loans. Preventing foreclosures will protect families, communities, and our economy.

I am also concerned that while the measure creates a congressional oversight panel, the panel lacks teeth and can only make nonbinding recommendations. If the taxpayers are expected to stomach a $700 billion bailout, we have to insist on greater oversight authority.

Finally, this bill is simply a temporary bandage if it does not include economic stimulus provisions that will create the jobs needed to strengthen our economy and improve the financial condition of the average American. While the problems on Wall Street have reached a breaking point, ordinary Americans have been feeling the pain of weakness in the economy for a very long time.

If this legislation passes it is simply a stop gap measure. I am heartened by the comments of Chairman FRANK who committed to reforming our financial regulatory and oversight system and by Speaker PELOSI promise that we will come back and consider stimulus proposals that will truly help grow our economy and positively impact those who have been hurt by this crisis.

Madam Speaker, while I agree that inaction is not an option, I also believe we can, and must, do better than this legislation. I urge a no vote.

Mr. WOLF. Madam Speaker, when the House responded to the economic crisis facing our country and considered a financial rescue plan this past Monday, September 29, the vote failed 205–228. Because of my deep belief that Congress must take action to restore the confidence and stability in the Nation's financial system and keep credit flowing to the people of Virginia and to households across the country, I voted for that legislative package and enclose for the RECORD my statement that day explaining my vote.

I have never been more concerned about the financial future of our country. Following the results of the House vote, there was a record 1-day point drop in the stock market that wiped out $1.2 trillion in wealth that average folks have tied up in retirement accounts, pension funds, and college savings. While there was a short-lived rebound on Tuesday, the market has continued on a downward spiral.

The latest unemployment figures announced today showed that the economy shed 159,000 jobs in September, the steepest drop in 5 years and the ninth straight monthly decline. Also that day, world stocks fell to a new 3-year low. This news, combined with reports this week that U.S. auto sales fell in September by 27 percent from a year ago, points to a worrisome sign that credit is tightening and the economy is hurtling toward a deep recession.

If we don't deal with this financial crisis now, foreign governments like China and Saudi Arabia, who already hold a significant portion of our debt, are waiting in the wings to buy up even more of America. We cannot allow China—a country that persecutes its own people because of their faith—or Saudi Arabia—which breeds the kind of radical ideology that led to the terrorist attacks on our country—to own what generations of Americans have worked so hard to build for their children and grandchildren.

After the House's failed vote, the Senate worked to revise the bipartisan package. The new bill includes the base of the economic rescue plan voted on in the House plus additional taxpayer protection and tax relief provisions and was passed by the Senate 74–25 on Wednesday. Because I continue to believe that this Congress must act to restore confidence in our economy, I will vote today for this amended measure.

The revised bill has significant new safeguards for taxpayers and important tax relief provisions that will increase the amount of bank deposits insured by the FDIC from $100,000 to $250,000 through 2009, to help stop a run on banks; protect 21 million working, middle-class families from getting hit with an average tax hike of $2,500 from the Alternative Minimum Tax, AMT, for tax year 2008; extend critical energy tax credits and incentives to encourage conservation and the development of renewable energy technologies such as wind and solar power; extend tax deductions on State and local sales taxes and out-of-pocket expenses for teachers; expand the income threshold used to calculate the refundable portion of the child tax credit; extend a property tax deduction to homeowners who don't itemize, and provide tax relief for those in areas hit by recent natural disasters including hurricanes and floods.

As in the original legislation, the revised measure authorizes up to $700 billion for a troubled assets relief program for the Treasury secretary to buy mortgages and other assets that are clogging the balance sheets of financial institutions and making it difficult for working families, small businesses, and other companies to access credit. While the legislation gives the Treasury secretary an immediate $250 billion for the program, it requires the president to certify that additional funds are needed, $100 billion, then $350 billion subject to congressional disapproval. The assets acquired by the Treasury will eventually be sold. Many economists believe that if they are purchased at appropriate discounts, it is fair to say that the Treasury will recoup the taxpayers' investment or could even turn a profit over the long-run.

The measure also provides strong watchdog authority over the Treasury through an oversight board and a special inspector general to protect against waste, fraud and abuse. The bill also ensures that irresponsible corporate executives at institutions participating in the Treasury program will not be rewarded with multi-million dollar ''golden parachutes'' or severance pay. The FBI continues to pursue corporate fraud investigations related to lenders, brokers, and appraisers involved in the mortgage and sub-prime loan crisis.

I understand the concerns raised about the response to the financial crisis our country is facing. This package, including some provisions added by the Senate, is certainly not perfect. But I can't pick and choose from the parts. As I said in my statement after the House's initial vote, credit is the lifeline of our economy. Overall I believe this plan is vital to protect the long-term economic future of our country and to ensure that people in my congressional district as well as folks across America are able to keep their jobs, get a home loan or car loan or a student loan to send their kids to college, and protect their savings and the value in their retirement accounts.

I have always worked for the best interest of the taxpayers and residents of the 10th District which I represent. I am voting for this package because in good conscience I cannot stand by and watch the financial futures of the people across America tumble toward ruin not seen since the Great Depression. I believe this vote is the right thing to do at this time for our country.

The American people are understandably angry that our Nation's financial condition has reached this point and I understand the worry that has brought. I'm angry and worried, too, and share the concerns of the scores of people from the 10th District who contacted me in recent days. I understand when folks say they don't want to ''bail out'' Wall Street when they see the greed and irresponsibility we've witnessed from some in the financial system gambling with other people's money and losing. Experts say that the root of the current financial crisis can be traced to the collapse of the sub-prime mortgage industry and the impact of high-risk loans on the Nation's housing industry.

I agree and also share the concern about reports that some CEOs on Wall Street and top executives at Fannie Mae and Freddie Mac—which are now in Federal conservatorship—have gotten sweetheart deals and bonuses in the millions of dollars. That kind of action must not be rewarded and that's why I applauded the news that the FBI as well as the Justice Department and the Securities and Exchange Commission have launched investigations into potential criminal cases against firms accused of contributing to the market collapse.

But I'm more worried about the people of Virginia and across America if we don't respond to the collapse in the credit markets in our country. We face a financial crisis and threat to the U.S. economy the proportions of which many say we haven't seen since the economic collapse of the Great Depression. For the past few weeks, the news has been filled with reports of some of the most prominent financial institutions in our country in free fall. Just this Monday, Wachovia, one of the largest banks in Virginia and perhaps a bank you or your family or neighbors use, was sold, and more banks are expected to fail.

Access to credit is the lifeline of our economy. I'm worried that if we don't take the necessary action to shore up the Nation's credit system it will be the mom and dad in Herndon who won't be able to get a student loan to send their kids to college or buy a new house, or the young college graduate in Leesburg who won't be able to get a loan to buy a first car, or the older couple in Winchester nearing retirement whose nest egg in a 401(k) account is losing value, or the mom and pop store around the corner in Front Royal that can't get the loan to make payroll, or the family in Manassas who need to sell their house but watch as home values drop and the prospective buyer can't get a home loan.

I believe this crisis calls for extraordinary action. Some say without action millions of jobs could be lost. I believe the legislative package before Congress was mis-named as a ''bailout.'' It is important to understand that it was a depression prevention plan to help restore confidence in and stabilize our country's credit system and ultimately the American economy. No legislation is ever perfect and there will be people of good will who disagree. But in tough times, it is the responsibility of lawmakers to act and make tough choices.

I voted for this legislation today because I believe it was the right thing to do to begin the process of resolving this crisis and setting the country's financial institutions on sound footing. This legislation was a bipartisan compromise dramatically changed and improved from the original proposal and forged after tough negotiations between both political parties and the call that the measure must first and foremost protect taxpayers' investment and have transparency, accountability and oversight.

The package fulfilled those goals by:

Providing the Treasury secretary with authority to buy troubled assets currently held by financial institutions, but cut in half Secretary Paulson's original proposal of $700 billion in up-front, immediate authority. The plan would allow $250 billion in immediate authority, with another $100 billion available after the Secretary reports to Congress, and providing Congress with the authority to withhold the remaining $350 billion, assuring that economic assistance will be financed by Wall Street, not Main Street. Many economists predict that ultimately taxpayers will see all their investment fully recouped.

Providing transparency and oversight through establishment of a bipartisan oversight commission, split evenly between minority and majority; reporting requirements to ensure proper reports to Congress and the public; a special inspector general; a financial stability oversight board; strict conflict of interest and unjust enrichment rules, providing that if after 5 years the Government has a net loss of taxpayer funds as a consequence of the purchase program, the president will be required to submit a legislative proposal to recoup such funds from program beneficiaries.

Protecting taxpayers—not shareholders and not corporate executives—against loss by placing taxpayers first in line to recoup losses from participating financial institutions in the event they fail or lose money.

Prohibiting executive compensation or golden parachutes to ensure bad actors on Wall Street are not rewarded.

Requiring the establishment of an insurance guarantee program that in lieu of purchasing assets with taxpayer funds is available to insure assets at no cost to the taxpayer. Costs would be fully paid for by participating companies, i.e., those receiving the assistance. Assets insured by the program would count against the total funds the Treasury secretary would otherwise have available to make purchases.

In considering this package I had to answer this question: What is the consequence of doing nothing to help stop the hemorrhaging of the Nation's credit system, and even the broader consequence of a potential worldwide depression? I had to decide what is in the best interest of our country and the taxpayers and residents of this congressional district.

When faced with that decision, I cast my vote for the legislative package. I was disappointed that the bill failed passage by a vote of 205–228 and that a majority of my House colleagues both Democrat and Republican did not recognize the need to shore up our financial system and restore the flow of credit to help protect Main Street America.

Just minutes after the final vote, the Dow Jones industrial average dropped over 700 points and closed for the day down 778 points, the largest one-day point drop in history. The broadest measure of the American stock market, the Standard & Poor's 500–stock index, fell 8.77 percent, its biggest drop since October 1987. The failure to approve the legislation resulted in uncertainty and turmoil in the markets, eroding billions of dollars in individual savings and household wealth. In a few hours, an estimated $1.2 trillion in assets lost their value—that is people's retirement accounts, pension funds, and college savings.

With the failure of the legislation, it is uncertain what the next step will be, but the crisis in the financial markets continues, and congressional leaders have pledged to go back to work and negotiate a bipartisan solution to restore confidence in the markets and come back to the House for another vote. No matter what final legislation is enacted to help stem the current crisis, I believe Congress has lots of work to do in the future to reform financial market regulation so that our country is not faced with this kind of crisis in the future.

The crisis in the credit markets, however, may be a symptom of a greater financial crisis on the horizon. We must come to grips with the national debt which is approaching $11 trillion. Then we must focus on the over $53 trillion in unfunded and unsustainable entitlement obligations we face as well as uncontrolled

Federal spending. The statistics are staggering and real. Standard and Poor's Investment Service has indicated that the United States could lose its triple-A bond rating as early as 2012 if we do not take action to reverse course. By not dealing with this issue we are enabling foreign governments like China and Saudi Arabia to buy America. That is bad for our country.

That's why I introduced the SAFE Commission Act, H.R. 3654, with Democrat Rep. JIM COOPER of Tennessee to set up a national bipartisan commission to put everything on the table and recommend to Congress a way to put our country on sound financial footing. The legislation requires an up-or-down vote by Congress. The Capitol Hill newspaper Roll Call said in an editorial that the SAFE Commission should be part of the discussion of any response to the financial markets crisis. Other newspapers and organizations across the political spectrum have agreed that the SAFE plan can be the way forward.

P.S. I have based my service in Congress on the principles of honesty and integrity and doing what I believe is best for the people of this congressional district and the country.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of this legislation to provide some additional help to workers across this Nation who have been hard hit by our difficult economy.

Just today it was announced that our national unemployment rate is 6.1 percent, terrible rate that unfortunately we would be ecstatic within my district.

People are hurting and they need help.

This bill will provide an additional 7 weeks of unemployment benefits for workers across the Nation and an additional 13 weeks for high unemployment states like my home State of Michigan.

Earlier today we passed a $700 billion bailout for Wall Street companies whose bad business decisions have wreaked havoc on our economy.

If we can hand over $700 billion to Wall Street we can certainly provide this minimum level of support to the workers who are among the victims of the bad actors on Wall Street.

Let us all join together and pass this legislation that will provide real support for those who need it most, hard working people having a terribly difficult time finding work in our struggling economy.

Mr. STEARNS. Madam Speaker, I rise today to express my reluctant and continuing opposition to the Emergency Economic Stabilization Act, H.R. 1424—a bill that was hastily crafted, inadequately vetted, and has now been made worse by an infusion of tax extenders and narrowly targeted earmarks, costing taxpayers $812 billion as reported by the Congressional Budget Office.

This new bill is still flawed because its basic premise is that taxpayers have to take over these toxic loans from ailing institutions, and Secretary Paulson is still granted the unprecedented authority to purchase almost any troubled asset or financial instrument he deems necessary, effectively allowing him to become a financial dictator. Tax expert Ryan Ellis has rightly stated that with this bill, ''Congress is giving a member of the executive branch virtually unlimited power for the entire economy.''

The bill today is very similar to the legislation that was voted down only a few days ago, but this time it contains frivolous add-ons. With the exception of the necessary increase of the FDIC insurance limit to $250,000, which I am happy to see included, this bill leaves little to be desired for American taxpayers.

To be specific, the Senate version of the Emergency Economic Stabilization Act that we are voting on today contains both energy and non-energy related tax extender language, targeted earmarks, and mental health parity legislation—provisions which have no business being placed into a bill which is meant to rescue our economy from a financial meltdown.

The mental health parity bill that has been thrown into the 440-page Economic Stabilization Act federally imposes more financial responsibility on employers who are already struggling to pay for their employees' health insurance, and will come at an additional cost of $3.8 billion dollars. Further, the bill we are voting on today contains narrowly targeted earmarks which are being described as ''tax relief provisions.'' Buried within this 440–page bill is a temporary increase in the amount of rum excise tax revenue paid to Puerto Rico and the Virgin Islands; a 7-year recovery period for motorsports racetrack property; an economic development credit for American Samoa; tax benefits for fishermen and those who suffered from the 1989 Exxon Valdez oil spill; and even an exemption for certain wooden arrows used by children. These provisions cost millions of dollars and are not paid for under this bill. Also included are nearly $42 billion in tax increases over ten years on oil and gas production, unemployment insurance, and investment income.

Madam Speaker, a bailout is still a bailout no matter which way you try to paint it. The American people understand full well that these targeted tax relief provisions were added for the sole purpose of winning votes, and today we are not voting on a clean bill.

I firmly believe there are viable, alternative ways to solve our deep-rooted financial problems without having to utilize a taxpayer-funded bailout strategy. Under this bill we have no way of determining how the Treasury Secretary will choose to price the toxic assets he will buy, and pricing them too low or too high will have serious repercussions. Some of our Nation's top economists along with my own colleagues have proposed far better solutions that would protect taxpayers and shore up our markets without rewarding Wall Street's bad behavior and putting us on a precarious path toward Socialism. I have personally proposed providing low-interest loans to these struggling financial institutions combined with giving taxpayers warrants so that they too can gain from any potential upside in our markets. I also support expanding the FDIC to cover all transaction accounts and put in place an oversight board that is separate from the Congress and the administration.

The issue of a lack of adequate oversight to protect taxpayers is truly worrisome. Former Speaker of the House, Newt Gingrich, points out that a plan which relies on the sole authority of the former chairman of a major investment bank to distribute billons of taxpayer dollars to struggling private sector companies will inevitably lead to corruption and crony capitalism. Further, Harvard political history professor Julian Zelizer has said of Paulson's unprecedented new powers: ''It ranks with the top list of delegations of power, especially since there's some flexibility for Treasury in deciding what to do with all of this money. You don't like to give power over finance and taxes to people who are not democratically accountable like Congress is.''

In a matter of 1 week we have gone from a 2½-page bill, to a 109-page bill, and now to a 440-page bill, but no matter the increase and attempt at improvement, the bill is still inherently flawed. I think it is unfortunate that we haven't taken the necessary time to more carefully consider our options and to re-evaluate some of the more troubling financial trends that have directly contributed to this historic crisis For example, I question why Congress hasn't addressed the issue of Credit-Default Swaps, CDS—a $62 trillion, unregulated market that threatens to be our next financial crisis. Warren Buffett describes these insurance-like contracts that promise to cover losses on securities in the event of a default as ''financial weapons of mass destruction.'' The CDS market is spiraling out of control as we speak, and the Chairman of the SEC has started to ask Congress for the immediate authority to begin regulating Credit-Default Swaps which are intrinsically linked to subprime loans and exotic securities, but Congress has not acted.

Certainly, the challenges that lie ahead of us are numerous and great. We are in the middle of a financial crisis of epic proportions, and I do hope the bill we are voting on today helps to shore up our markets and provide stability, but reluctantly I must oppose it. This legislation has been forced upon us by Secretary Paulson, and I question his ability to objectively implement the Treasury plan given his close ties to major investment banks and Wall Street. Surely Paulson's 25 years spent at Goldman Sachs and eventually becoming its chairman represents an overt conflict of interest.

Given the fact that taxpayers are getting toxic goods and there is no real reform of the Community Investment Act which has forced banks to make loans to people who have questionable credit and cannot afford to pay their mortgage back, I am voting against this bill, and I pray and hope the future will afford us a chance to craft a better bill on behalf of the American people.

Mrs. CAPPS. Madam Speaker, I rise again in reluctant support of this legislation.

I spoke earlier this week about the necessity for the underlying economic rescue legislation and I stand by that statement. If anything, the events of the last week have demonstrated that point even more vividly.

The credit crisis that is gripping America is choking Main Street and affecting Americans of all walks of life. Businesses, small and large alike, are finding it more and more difficult to get credit to run their businesses. This slowdown is costing American jobs. Just today the administration announced that another 159,000 jobs were lost in September, the largest monthly loss in more than 5 years. That means we've lost nearly 800,000 jobs in the first 9 months of this year.

I share my constituents' deep anger over this situation created by the greed of lenders and Wall Street players, the inattentiveness of Federal regulators, and the overall failure of the Bush administration's policies. We must act quickly and this proposal to meet this crisis is the best option we have. I know it would be much easier for me to take the easier, more popular route and vote against this measure, but I believe that would be the wrong choice for my district and my country for all the reasons I laid out earlier in the week.

This legislation adds a number of provisions to the economic rescue package the House considered on Monday, most of which are unrelated to the financial crisis. I support many of them and oppose others.

First, the bill temporarily raises deposit insurance from $100,000 to $250,000 in federally insured banks and credit unions. This is a good step to increase confidence in our banking system and a long overdue update to this critical protection for the assets of millions of American families and small businesses.

Second, the bill protects some 22 million taxpayers from the effect of the Alternative Minimum Tax. This is a tax provision intended to keep the wealthiest in our society from avoiding all income taxes but, because it hasn't been updated in decades, now threatens to ensnare millions of middle income taxpayers with higher taxes. I hope that in the next Congress we can permanently fix this increasingly difficult problem but we must at least stave off its ill effects for this year.

Third, the bill includes critically important mental health parity legislation. It would require insurance companies to treat coverage of mental health services the same as other medical services. As a public health nurse, I know there should be no distinction in the necessity of treating heart disease, bone disease, or mental health disease. I have long supported this effort to destigmatize mental health and ensure that Americans suffering from mental health problems can receive treatment. This is an extremely positive step forward for health care in America.

Fourth, the bill extends Federal support for the development of wind, solar, geothermal, and other renewable energy sources. I have been arguing for a 5–10 year extension of these provisions to encourage the development of alternative energy so we can finally break our crippling addiction to fossil fuels. Establishing a long term investment horizon for these efforts is critical to making that work. These extensions should be for longer than the 1–3 years included in this bill but they cannot be allowed to expire, which most would do by the end of this year.

Unfortunately, included in these energy tax provisions is support for so-called clean coal production and shale oil extraction. The oil and gas industry could not possibly be more profitable and needs more taxpayer support like Warren Buffett needs investment advice. In addition, both the oil and coal industries already received overly generous taxpayer subsidies in the Republican's 2005 energy bill. I do not support these provisions and believe they should be removed or repealed in the next Congress.

Also, much of the cost of these energy tax breaks are not offset so they will increase the already huge Bush deficits. In an effort to reinstate fiscal discipline, House Democrats have consistently voted to pay for these alternative energy production tax breaks by closing corporate loopholes and other measures. It's a shame the Senate cannot follow suit and we are faced with a take-it or leave-it choice on continuing these important alternative energy provisions.

Finally, I am very concerned about the inclusion of language giving the Securities and Exchange Commission, SEC, the go-ahead to alter or suspend so-called ''mark to market'' accounting principles. The SEC just issued what it calls ''clarifications'' on these rules at the behest of the financial services industry and I believe this could be a big mistake. Investors simply must be able to trust that a company's financial statements give a clear and accurate portrait of the health of the company and ''mark to market'' is part of ensuring that is the case. I understand that today's market conditions make establishing prices for securities difficult, but we have to be careful that we don't enable the kind of opaque accounting that has led to numerous financial debacles in recent years.

Despite my concerns about these provisions, I still believe it is in the best interests of the country to pass this legislation.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in strong support of the mental health parity provisions contained in H.R. 1424, the Emergency Economic Stabilization Act of 2008.

These important provisions of the bipartisan legislation would not have been possible without the vigorous advocacy of the late Senator Paul Wellstone and the continued dedication and commitment of Senator Wellstone's family.

In addition, I want to thank Congressmen KENNEDY and RAMSTAD as well as Senators KENNEDY and DOMENICI. Without their tireless efforts, these provisions would not be before us today.

Mental illness and substance abuse affect millions of families across this country.

Without treatment, those suffering from mental illness and substance abuse often struggle to hold a job or make ends meet.

Today, approximately 44 million Americans suffer from mental illness, but only one-third receive treatment.

A key component of this problem is that private health insurers generally provide less coverage for mental illnesses and substance abuse than for other medical conditions.

A 2002 Kaiser Family Foundation study found that, while 98 percent of workers with employer-sponsored health insurance had coverage for mental health care, 74 percent of those workers were subject to annual outpatient visit limits, and 64 percent were subject to annual inpatient daily limits.

The bill amends the Employer Retirement Income Security Act, ERISA, to prohibit employer group health plans from imposing mental health or substance abuse treatment limitations, financial requirements, or out-of-network coverage limitations unless comparable limitations requirements are imposed upon medical-surgical benefits.

The out-of-network coverage provisions are particularly important.

Under this provision, if a health plan permits individuals to go to an emergency room for a medical condition without prior authorization; or an out-of-network hospital or treatment center at in-network rates for a medical condition, then the plan must apply the same rules to an individual suffering from a mental illness or substance disorder.

In addition, the bill does not require group health plans to provide any mental health or substance abuse coverage.

However, if the group health plan does offer mental health and/or substance abuse benefits, there must be equity between mental health and/or substance abuse coverage and all comparable medical and surgical benefits that the plan covers.

As a result, more Americans will be able to access affordable mental health and substance abuse benefits.

Nothing in the bill is intended to preempt stronger state mental health and substance abuse parity laws.

The Committee on Education and Labor has analyzed each state's mental health and substance abuse law; it is our understanding and intent that this legislation will not pre-empt any of these laws.

In other words, a state law that may contain broader or more favorable mental health and/or substance abuse benefit requirements will not be pre-empted.

Finally, this bill directs the Department of Labor to provide information and assistance to individuals, employers, and states in order to help them comply with the requirements of this law.

It is time to end the stigma and provide fair coverage to those in need.

Mr. STARK. Madam Speaker, I rise today in strong support of providing much needed assistance to the millions of workers struggling to make ends meet.

Unlike the Wall Street bailout we just passed, extending unemployment benefits will actually help to keep people in their homes. Unlike giving a $700 billion blank check to Henry Paulson, extending unemployment benefits will stimulate the economy and will bring money into local communities.

Last month the economy lost 160,000 jobs—the ninth month in a row of job loss. Without congressional action, 800,000 workers are expected to lose their unemployment benefits in October. In my State of California, the unemployment rate is 7.7 percent and climbing. Many of these workers are exhausting their benefits and are unable to find work. This legislation will provide immediate relief to these workers.

Today we heard a lot of bluster about Main Street. Make no mistake, people are struggling to pay their bills and put food on the table. Wall Street has already gotten their share; I urge all of my colleagues to make sure that we take this small step to help millions of workers get their share.

Mr. CONYERS. Madam Speaker, while I am personally opposed to this bill, and have set forth my reasons elsewhere in this debate, the Judiciary Committee has nevertheless assisted the bill's drafters in an effort to help ensure that it does not inadvertently impair fundamental legal rights and protections.

In that regard, as chairman of the Judiciary Committee, I would like to further illuminate Congress's intent with respect to three provisions in section 119 of the bill, the section regarding judicial review and related matters.

First, the limitation on injunctive and other equitable relief in section 119(a)(2)(A). This provision is written in light of the expected need for the Troubled Asset Relief Program, ''TARP,'' established under the bill in the Treasury Department to be able to act quickly on its decisions to purchase particular assets in the marketplace.

Accordingly, the grounds for obtaining injunctive or other equitable relief, which could potentially impair the efficiency of the TARP's response to breaking market developments, is limited to remedying constitutional violations, while all underlying rights, and the availability of monetary damages where warranted, are preserved. Moreover, even in cases of constitutional remedy, there are special provisions in section 119(a)(2)(B)–(D) for expediting resolution of the matter in court.

It should be kept in mind that the bill provides for a number of avenues to protect against possible overreaching by the Secretary or the TARP, including a special Inspector General, ongoing Government Accountability Office review, and a congressional oversight panel. Nor do the limits alter the normal rules governing agency rulemaking or adjudication, which are not the sort of actions that require the same kind of rapid response envisioned for TARP's marketplace decisions.

Second, the provision regarding homeowners' rights in section 119(b)(1). This provision clarifies that a sale of mortgages or mortgage-backed securities to the TARP in no way impairs the claims or defenses of the homeowners whose mortgages are involved. All rights and interests of the homeowners, whether under the terms of the mortgage instrument or under law, are fully preserved. This means, among other things, that the TARP, in acquiring interests in these securities, does not thereby obtain the right to use any of the extraordinary collection methods and other recourse that is available solely to the Government, which it has been given for collecting fines and other debts owed directly to the Government which the homeowners here did not contract to be subject to.

This provision does not prevent modifications to which the homeowner agrees, such as a reduction in interest rate, reduction in loan principal, waiver of fees and unpaid interest, or other forbearance that enables the homeowner to avoid foreclosure, continue living in the home, and keep the mortgage. In fact, this provision is designed to encourage TARP to consider such modifications whenever prudent.

And it often will be, benefitting the investors in the mortgage-backed debt as well as the homeowners involved. The costs of foreclosure to the investors—leaving aside the costs to the homeowner, and the community of which the homeowner is a part—will generally far exceed the costs to investors of a mortgage modification.

Indeed, taking into account costs such as foreclosure expenses, damage to vacant homes, maintenance, the loss from sales of vacant property in a declining market, the net recovery by investors in a foreclosure situation can be a small fraction of the amount owed on the mortgage. Many foreclosed homes end up being sold in bulk through distress sales, for only a few thousand dollars each. And all of this feeds a vicious circle of increasing foreclosures and declining home values.

Loan modifications are almost invariably better for the investors, who continue to receive a steady stream of mortgage payments, as well as for the homeowner, who is able to stay in the home, for the neighborhood that keeps more of its homes occupied and property values supported, and for the entire community that benefits from the homeowner's economic contributions.

Third, the savings clause in section 119(b)(2). As written, this provision is a combination of two separate sentences. And the first sentence has two separate purposes.

One purpose of the first sentence is to preserve current and future responsibility for wrongdoing, and to ensure that this legislation is not interpreted to relieve wrongdoers from accountability or liability to those whom they have harmed. The Congress is aware of civil litigation brought by shareholders, ERISA participants, or by or on behalf of financial institutions, against officers, directors, and in some cases counterparties whose alleged misconduct caused or contributed to their losses. The Congress is also aware of media reports of criminal investigations.

These matters are for the justice system to resolve. The Secretary, and the Executive Branch in general, should cooperate as appropriate with public and private efforts to recover losses from wrongdoers in the financial market, whether those efforts are brought by a governmental entity, securities purchasers, employees, or the corporation itself, or are asserted on behalf of the corporation derivatively. Nothing in this Act is intended to impair any legal rights as against private parties to recover for or redress wrongdoing under Federal or State law.

The other purpose of the first sentence is to clarify, similarly as with mortgage-backed securities in section 119(b)(1), that a transfer of nonmortgage financial assets to the TARP does not impair any of the underlying rights, claims, and defenses of borrowers who are not in privity with the TARP and have not contracted for or consented to any such impairment.

This does not affect the ability of the TARP and the financial institution transferring the assets to contract between themselves as to which rights and obligations related to those assets will be assumed by Treasury, and which rights and obligations will be retained by the financial institution. Rather, it clarifies that whichever of them deals with the borrower going forward must do so on the same terms, and owes the same duties, as under the original agreement, so that the rights the borrower contracted for or enjoys under law are in no way impaired. Again, this means, among other things, that the TARP, in acquiring these assets, does not thereby obtain the right to use any of the extraordinary collection methods and other recourse that are available solely to the Government, which it has been given for collecting fines and other debts owed directly to it—which the borrowers here did not contract to be subject to.

The second sentence in section 119(b)(2) addresses what has come to be termed "tranche warfare"—litigation among the various categories, or tranches, of investors in structured mortgage-backed securities, each vying for primacy in any modification of terms, at each other's expense. This sentence clarifies that, except as established by contract, a servicer of pooled residential mortgages that become subject to the TARP, if that servicer owes any duty to ensure that net present value of payments on a loan exceeds anticipated recovery in foreclosure, owes that duty not to any individual investor or faction of investors, but to the investors as a whole.

Accordingly, the servicer, in agreeing to or implementing a modification or workout plan shall be deemed to be acting in the best interests of all such investors or holders of beneficial interests if the servicer takes reasonable loss mitigation actions, including partial payments. This clarification is intended to further encourage modifications to mortgage loans when, in the judgment of the loan servicer, in the overall interests of the investors.

Mr. MOORE of Kansas. Madam Speaker, I rise today to express my support, with reservations, for the Senate amendments to H.R. 1424, the Emergency Economic Stabilization Act of 2008.

Our Nation is facing a crisis that we've not seen since the early 1930s. If we do nothing, our small businesses will continue to suffer with limited access to credit, families will struggle to pay for college for their children and too many people will have to delay their retirement. Retirees with pension plans invested in the market will find they are not as secure as they hoped.

Just today, the Government announced that 159,000 jobs were lost in September, the sharpest drop in jobs in over 5 years. This is the ninth straight month of job losses. Two weeks ago, with the economy on the verge of disaster, and the choking off of access to credit, Federal Reserve Chairman Ben Bernanke urged congressional leaders to act on this emergency economic rescue package by saying, "If we don't do this, we may not have an economy on Monday." These are words no Member of Congress wants to hear, but it is a call to action, now.

I voted for the original bipartisan compromise the House considered Monday because it took necessary steps to protect American taxpayers, including a recoupment provision to ensure that every dime of taxpayer money is paid back in full. Republican and Democratic leaders supported the original compromise to get our economy back on track. The bill was far from perfect, but it also included provisions to ensure aggressive congressional and judicial oversight of the rescue programs, as well as no taxpayer-funded "golden parachutes" for careless Wall Street CEOs. The bill would have spread out the expenditures to make sure they are really needed, and mandated: 48-hour posting of all transactions on the Internet; warrants so taxpayers share profits; aggressive foreclosure mitigation activities, tax provisions helping community banks; and independent Inspector General oversight.

But when the House failed to pass the bill on Monday, the Dow dropped 777 points, the largest single-day point drop in history. It cost the American economy more than $1.2 trillion as Americans saw their 401Ks, college accounts, and pension plans lose value.

As a co-chair of the fiscally responsible Blue Dog Coalition, I have grave concerns about any legislation that passes off the costs to our children and grandchildren, adding to our $9.6 trillion debt. I would have strongly preferred that the Senate version of the bill had been written differently without all of their unrelated tax policy additions, but this is not about me. This is about preserving our way of life as a nation and restoring our economic strength. This is about making sure the economy doesn't crash to the extent that it might take decades for our children and grandchildren to put the pieces back together.

Make no mistake: this crisis should not be about political opportunism. This is a time for Republicans and Democrats who are willing to put country before party, and our economic security before ideology, to come together and do what is in the best interest of our people and our country.

I am just as upset as many of my constituents that our country is faced with this economic crisis. Government intervention should always be an option of last resort, but we are left with very few choices and even less time to preserve our economic stability. Inaction is simply not an option.

In this difficult time, Congress must act. The Senate has spoken in a strong, bipartisan

way, voting for this revised legislation by a vote of 74–25. The leadership of both parties and our two presidential candidates support this effort to rescue our faltering economy. In the short term, this relief package is an emergency line of credit, a lifeline for our drowning financial industry. In the long term, it's also an investment in bringing back a strong economy. If our economy does not recover, if we slide toward recession or worse, we will all suffer. I support this bill because I believe it's the right thing to do for our country.

But enacting this emergency legislation is only the beginning. While we had to act today to preserve our economy, I will continue fighting for fiscal responsibility, putting an end to runaway deficits and our mounting $9.6 trillion debt. I will work with my Republican and Democratic colleagues on the House Financial Services Committee to aggressively investigate what went wrong in the credit markets, and work in a bipartisan way to improve the regulatory structure so we can have a modern oversight structure that will make sure firms act in a responsible way. We must continue to do all we can to protect the future economic health of the country.

Mr. RAMSTAD. Madam Speaker, it was an amazing turn of events that made the treatment parity legislation PATRICK KENNEDY and I introduced, H.R. 1424, the vehicle for one of the most far-reaching bills considered in our lifetime.

This legislation is a rescue bill for the U.S. economy and a rescue bill for the millions of Americans suffering from mental illness and addiction. It will also prevent a devastating tax increase on middle-income families and job creators at a time our families and economy cannot afford more blows.

This vote will mean the end of 12 long years of fighting for treatment parity for mental illness and addiction. This is not just another public policy issue: It's a matter of life or death for 54 million Americans suffering the ravages of mental illness and 26 million suffering from chemical addiction.

Last year alone, more than 30,000 Americans committed suicide from untreated depression and 150,000 Americans died as the direct result of chemical addiction. On top of the tragic loss of lives, untreated addiction and mental illness cost our economy over $550 billion a year.

I'm alive and sober today only because of the access I had to treatment following my last alcoholic blackout on July 31, 1981, when I woke up in a jail cell in Sioux Falls, SD. I'm living proof that treatment works and recovery is possible.

But far too many people in our country don't have the same access to treatment that I and other Members of Congress have had.

A major barrier for thousands of Americans is insurance discrimination against people in health plans who need treatment for mental illness or chemical addiction.

The legislation we are passing today will end this discrimination by prohibiting health insurers from placing discriminatory restrictions on treatment for people with mental illness or addiction.

No more inflated deductibles or copayments that don't apply to physical diseases.

No more limited treatment stays that don't apply to physical diseases.

No more discrimination against people with mental illness or chemical addiction.

The ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act'' simply provides equal treatment for diseases of the brain and the body.

Providing treatment equity is not only the right thing to do; it's also the cost-effective thing to do.

All the empirical data, including major actuarial studies, show that equity for mental health and addiction treatment will save literally billions of dollars nationally. At the same time, it will not raise premiums more than two-tenths of 1 percent, according to the Congressional Budget Office.

In other words, for less than the price of a cheap cup of coffee per month, millions of people could receive treatment for chemical addiction and mental illness.

Madam Speaker, Rep. PATRICK KENNEDY and I have traveled the country from one end to the other—holding 14 field hearings on the critical need for treatment parity.

We heard literally hundreds of stories of human suffering, broken families, tragic deaths, ruined careers and shattered dreams—all because of insurance companies not providing access to adequate treatment for mental illness and addiction. We will change that today.

Madam Speaker, it's time to end the discrimination against people who need treatment for mental illness and addiction. It's time to prohibit health insurers from placing discriminatory barriers to treatment.

It's time to join the coalition of insurance companies and business groups that support parity because they know it's cost-effective and saves health care dollars.

It's time to make this bipartisan legislation the law of the land. The people of America cannot afford to wait any longer for Congress to act.

Mr. BISHOP of Georgia. Madam Speaker, I didn't take pleasure in voting yes today. But in tough times, Congress is required to make tough decisions. Voting for this bill is a risk, yes. But voting against this bill is a greater risk. Given the prevailing, dreadful economic trends, a bet that our economy will miraculously right itself on its own, without significant damage to the jobs and livelihoods of the people in my district and across America, is the greater risk I am not willing to take.

We are facing a startling reality. Without action, student loans, home loans, and lines of credit for local businesses will tighten, and eventually be cut entirely. With no credit source from which to pay employees, business will impose massive layoffs. Farmers, whose products are so vital to the Second District economy and who depend on a secure line of credit during planting season, won't have a crop. People facing foreclosure will not be able to refinance their mortgages, and will lose their homes. People looking to retire will have to take on part-time employment, or delay retirement entirely, because their savings, 401(k)s and pension plans will have been drained of assets.

I wish the bill we took up today was a cleaner bill. I wish we could have passed the bill Monday, and saved our deficit another $150 billion. Many of the provisions added onto this bill, especially relief for middle class taxpayers, are needed, but they add to the bill's cost. And any other day, I would stand firmly opposed until those costs were off-set.

But this is not ''any other day''—this is an extraordinary day, and these are extraordinary circumstances. The economy is on life support and not passing this bill would be tantamount to pulling the plug. Not passing it would imperil the very opportunities our society is known for, and that we behold as integral to American life: the chance to go college, run a business, own a home, enjoy retirement.

For the poor, for those who have been financially prudent, for the unemployed, for those who saw their 401(k)s dwindle this is not the end. In the coming months, it is my hope that Congress pours as much or more effort into investigating the financiers whose actions precipitated this crisis and who walked away with millions for themselves, as we have put into crafting this bill. It is also my hope we can repair the damage done the deficit. Meantime, I encourage my colleagues and my constituents to join me in supporting this first step toward regaining our financial footing and setting in place a new system, one that lacks the greed and the excess that brought us to this point in the first place.

Mr. UDALL of Colorado. Madam Speaker, I voted against this bailout package on Monday, because I took a hard look at it through the eyes of Coloradans, and I didn't see what they needed to see.

What I saw was a $700 billion bailout for Wall Street banks that didn't do enough to reassure taxpayers that they'd get their money back, didn't have a sure process for holding CEOs accountable and limiting taxpayer-funded golden parachutes, and didn't address the mortgage crisis that is at the root of our economic problems and is forcing hard-working Coloradans out of their homes.

Just as important, what I saw was a ''rescue'' for Wall Street that did nothing to begin fixing the broken financial system that led us to this crisis.

As I look at the legislation we're being asked to vote on today, I'm deeply disappointed to say that none of that has changed.

Instead, the Senate has sent us a bill that adds a single improvement to the package the House rejected, plus hundreds of pages of ''sweeteners'' intended to win over those of us who opposed it the first time. Many of those ''sweeteners'' are things I support—the people of Colorado know I have worked long and hard for middle-class tax breaks and have spent my entire career as a champion for investment in the new energy economy.

But no amount of ''sweetener'' changes the fact that Americans deserve a better solution to our economic crisis than the one we've already rejected.

I have no interest in making the perfect the enemy of the good. Anyone who knows my work in Congress knows that I am not a ''my-way-or-the-highway'' legislator. Because of the greed and lack of oversight on Wall Street, we face an unquestionably grave economic situation that requires Congress to act. But a better solution is still within our reach—one that takes immediate action to get our economy back on stable footing while providing the protection, oversight, and fundamental reforms American families deserve.

I am still guided by the words of the legendary basketball coach John Wooden, who told his players, ''Boys, be quick. But don't hurry.''

My hope was that after the House rejected Monday's bailout package, we in Congress would be quick to work together, improve the

legislation, and bring forward a revised version that would deserve and obtain broad support in Colorado and across the country. We had that opportunity until the Senate acted to repackage the old bailout bill in new clothing. We owe the taxpayers more than to hurry a deeply flawed package out the door at such tremendous cost to them.

I believe we could have added provisions that (1) provided independent oversight of the Treasury's program, (2) strengthened the equity position of taxpayers in purchasing mortgage-backed assets, (3) required the government to help responsible homeowners refinance their mortgages, and (4) insured that taxpayers will not be on the hook for irresponsible compensation packages for CEOs.

This bill claims to address these problems, but the exceptions in this bill swallow the rule. In short, the bill doesn't do what it claims to do.

On Tuesday, stronger provisions were within our reach and we should have worked to secure them

I hope—for the sake of all those people who have worked hard and played by the rules, only to see their retirement whittled away or their homes' values plummet—that this package does what its supporters promise us it will.

But in the end, my responsibility is to Colorado families, and I continue to believe as I did on Monday, that I cannot ask them to foot the bill for a bailout that costs so much, with so little accountability, so little reform, and so little protection for them.

Mr. HALL of New York. Madam Speaker, I rise today in support of H.R. 1424, The Emergency Economic Stabilization Act of 2008. Since this House rejected an earlier plan to intervene, the bad economic news has kept rolling in and the dangers to Main Street businesses have increased. Only today it was announced that 159,000 American jobs were lost in September alone. This kind of news combined with the tremendous declines we've seen in the markets only underscores our need to take action.

I continue to share the anger of most Americans about the need to take these unprecedented steps, but I remain more convinced today that we must act decisively to contain this economic contagion before it spreads into the far reaches of our economy and leaves lasting damage.

Although this bill added an important provision to increase the insurance guarantees on personal deposits by the FDIC and a number of tax provisions, it remains similar to the package that I reluctantly supported earlier this week. While this bill is far from perfect, I believe it addresses the economic crisis in a responsible way that helps Wall Street while still looking out for Main Street and protecting our tax dollars.

This bill would still institute limits on executive compensation and golden parachutes for the executives of companies that take part in the plan. It puts in place real oversight, from the courts, from Congress and from a new Inspector General's office and finally installs significant Government supervision and regulation of the companies that helped to put us in the situation we're in now.

It also puts in place mechanisms to make sure that taxpayer dollars will be protected to the maximum extent possible. To the extent that our investment is not recouped, the President will have to come up with a plan to make sure that the companies taking out this Government loan will have to pay back the American taxpayer.

The financial industry is of great importance to New York State, which relies on our financial institutions for a significant percentage of tax revenue and jobs. The Hudson Valley is particularly vulnerable to difficulties on Wall Street, and I fear that the workers, small business owners, and families in my district will face severe economic ramifications if we do not stem the tide of this financial crisis. That is the primary reason that I feel I must vote yes today.

In fact, the ripples of the credit crisis are already impacting some of the small businesses in my district. Jeff Conston, owner of Dutchess Recreational Vehicles in Poughkeepsie, contacted me to tell me that his customers are finding it very hard to get financing to purchase the equipment he sells. He has 34 employees who handle sales, parts and service for his dealership. He urged us to get this financial rescue plan passed so the financing for his customers and his business can start flowing again.

Another local businessman, William L. Spearman, Chief Executive Officer of the Mid-Hudson Valley Federal Credit Union in my district, told me that while his credit union's balance sheet remains strong, his members are so concerned about our financial system that they are withdrawing money just to put it in their mattresses. In his view, the financial system is frozen and we need to pass this bill to provide confidence to his members and to get the system moving again.

Overall, I am pleased that the legislation sent back from the Senate includes some important tax relief provisions that I believe Congress should pass this year. Chief among this is a one year ''patch'' that will protect thousands of middle class families from being hit by the AMT this year. Last year over 30,000 families in my district paid AMT, and this bill will ensure that an additional 70,000 families in my district will not also be obliged to pay it. I wish we had the support to permanently fix the AMT, and help the middle class families that are still subject to it, however once again the ''patch'' legislation that we consider today is the best legislation that we can pass at this time and I will support it.

I am also grateful that this legislation contains a number of tax breaks to help individuals and small businesses. Given the economic troubles we are in the midst of, tax breaks for research and development and for teachers who use their own money to purchase supplies for the students are desperately needed and could not come at a better time.

This bill also includes some important provisions to help shore up our economy in the long term by moving us away from imported fossil fuels and toward energy independence. The critical tax incentives in this bill for wind, solar, hydropower, marine energy, and the purchase of advanced plug-in hybrid vehicles will create thousands of green jobs here in America that can't be outsourced, help cut consumer energy costs, and give individual families and businesses the power to help fight climate change and end our dependence on foreign oil. Although I am deeply disappointed by the inclusion of incentives for coal to liquids technology and tar sands and oil shale exploration, which will not meet these goals, this package is still critical to our future and worthy of support.

Passage of this plan is only a first step. What created this crisis was the Bush administration's and previous Congress's failure to stem reckless behavior on Wall Street, and we cannot allow that lapse in oversight to be repeated. I am pleased that the Committee on Oversight and Government Reform will begin hearings soon on the causes of this crisis and that there is acknowledgement that we must work to make more fundamental investments in the true engine of our economy, American workers, innovation, and small businesses, in order to more permanently strengthen our prosperity. Congress must remain vigilant, aware of how this tremendous authority is being exercised by the administration and in the markets, and ready to intervene at the first hint of abuse or ineffectiveness.

Ms. SCHWARTZ. Madam Speaker, as the American people have witnessed over the past several days, the instability in the financial markets requires immediate attention.

The longer this instability continues, the harder it will be for employers to meet payroll, for retirement plans to meet their obligation to retirees, and for families to access the credit they need to pay for college, for a car, for a home, or for just getting by.

The road has been difficult, but the risk posed to everyday Americans is simply too great not to act.

My constituents and I were appalled when President Bush asked us to hand over $700 billion with no oversight, no accountability, and no reforms to the fundamentally flawed policies that allowed this crisis to occur.

Due to bipartisan cooperation—and now compromise between the Senate and the House of Representatives—this economic recovery proposal is fundamentally different than the proposal first brought to us by President Bush.

Today, we have an economic recovery proposal before us that will protect the interests of hardworking Americans by:

Restoring investor confidence in our economy and the financial markets;

Protecting taxpayers by requiring full transparency of actions taken by the Treasury Secretary, creating a strong oversight board appointed by Congress, and establishing an independent Inspector General to guarantee compliance;

Ensuring fiscal responsibility by making resources available in installments that require congressional and Presidential approval, and guaranteeing that the financial services industry repays any losses to the U.S. Treasury;

Helping distressed homeowners avoid foreclosure by facilitating loan modifications; and

Limiting the compensation for the corporate executives that created this crisis by eliminating multimillion dollar golden parachutes.

I will vote for the proposal before us today because I believe that the current economic crisis requires action by Congress.

It is unfortunate that the Senate took this opportunity to add unrelated measures to this bill.

These measures include items that I have strongly supported—such as: mental health parity; Alternative Minimum Tax relief; property tax relief; the personal deduction for higher education expenses; incentives for energy

conservation and the development of alternative and renewable energy; and the extension of current tax policies that encourage innovation and help U.S. companies compete internationally.

I support these proposals and I appreciate that they will become law by our action today. But, I believe that we should have—and could have—covered the cost of these provisions, had the Senate not acted first.

It is also embarrassing that just a few Senators would use this critical economic recovery proposal to enact narrowly targeted tax benefits—risking passage and angering American taxpayers who have rightfully called for reform of such practices

Nonetheless, action is required to stabilize our financial markets. We must begin the process of economic recovery by making credit and capital available to families and businesses of all sizes to meet their obligations and move this country forward.

There is still more to do. We must focus on the regulation of our financial markets, strong enforcement, and sound fiscal policies in Government and in the private sector that are all necessary to restore our economy to one of prosperity, opportunity and growth—not just for a few—but for all Americans.

Mr. UDALL of New Mexico. Madam Speaker, 4 days ago, I opposed a bailout plan that did too little for homeowners, too much for executives, and nothing to prevent Wall Street from repeating the mistakes that got us into this crisis. That bill would have put the U.S. taxpayer on the hook for $700 billon to bail out Wall Street, the very people whose irresponsibility helped to undermine America's economy and threaten the jobs and life savings of millions of American families.

Make no mistake: America faces a serious crisis. We must do something, but we cannot let fear drive our decision-making. Our solution should meet the demands of the day without producing more suffering in the future. We have the time to get this right, but the proposal we considered on Monday had significant problems.

At that time, I suggested several commonsense changes to Monday's bill. Those changes have not been made.

I said we must do more to protect taxpayers. Today's bill still falls short.

I said we should do more to protect responsible homeowners and their neighbors from foreclosures and plummeting property values. This bill still falls short.

I said we must ensure executives who ran their companies into the ground cannot walk away with millions in taxpayer-funded golden parachutes. This bill still falls short.

And I said that while American taxpayers continue to struggle we should not bail out foreign companies whose governments are doing nothing. Again, this bill still falls short.

Perhaps most importantly, this legislation does nothing to protect us from facing a similar crisis in the future. Today's situation is the direct result of a culture in Washington that allowed Wall Street to gamble with America's future. This legislation sends the message that when Wall Street's gambles do not pay off, the taxpayer will bail them out. Imagine for a moment that you send a friend into a casino and tell him: if you win, you keep the winnings; if you lose, I'll pay your losses. You would expect nothing but irresponsibility, and that is exactly what this bill will give us. We need commonsense rules to protect against that irresponsibility, and this bill provides none.

For all these reasons, I will vote against today's proposal, just as I voted against very similar legislation 4 days ago. The only difference between this bill and the bill we rejected on Monday that has anything to do with America's financial markets is an increase in FDIC insurance limits. This may do something, but it is nowhere near enough to justify supporting today's bill.

Whether or not this legislation passes today, Congress must keep working on a new framework for our financial system. Experts have produced good proposals on a variety of issues. Some have even passed this House. But we also need to begin working on a systemic overhaul of our regulatory structures, our financial rules, and the incentives that govern our markets. In this hour of crisis, we have a rare opportunity to protect future generations from the turmoil we have seen. We must seize this opportunity.

Unfortunately, the Senate has chosen to add unrelated provisions rather than fixing a deeply flawed proposal. I want to note that my vote today does not suggest any disagreement with the important package of tax cuts that was added in the last few days. I have consistently supported tax cuts for the middle class, including fixes for the Alternative Minimum Tax. I have advocated mental health parity legislation, and voted for it repeatedly. I have fought for tax credits to spur green industries and produce jobs. And I have worked to protect the Secure Rural Schools and Payment In Lieu of Taxes programs that would be extended by this bill. However, even with these provisions, I cannot support a $700 billion taxpayer bailout—a plan that will have a large and widespread impact for generations—that has been rushed through with so many serious flaws and so many problems left unaddressed.

Today's vote is difficult, but I believe it is what's right for New Mexico's Third Congressional District, and the people of New Mexico and our Nation.

Mr. VAN HOLLEN. Madam Speaker, many of my constituents are current or former employees of Government Sponsored Enterprises, GSEs, that provide residential mortgage services on behalf of the Federal Government. These employees are concerned that the Treasury Secretary's newly authorized control over their organizations may compromise their retirement benefits. I have consulted with Congressman BARNEY FRANK, the Chairman of the Financial Services Committee, regarding this issue. Chairman FRANK has assured me that in drafting this legislation he was careful to ensure that the Secretary's control over these GSEs will have no impact upon the retirement benefits of the rank-and-file employees who are not regarded as ''executives'' under the regulations of the Securities and Exchange Commission. I greatly appreciate the Chairman's work to protect the benefits of these hard working employees.

Mr. WELDON of Florida. Madam Speaker, many of my constituents have called and written me in opposition to the current plan to deal with the Nations financial crisis. I consider this to be one of the most serious and important issues I have dealt with in my 14 years in the House.

My father was born in 1919 into a poor working class family in New York City. During his most critical formative years from the time he was 10, until he went off to fight in WWII, all he knew was the deprivation of the great depression. He and his brothers and sisters regularly went to bed hungry, on many nights dinner consisted of a choice of either a ketchup or a mustard sandwich.

He was a good student, nonetheless had to drop out of school at age 15 so he could go to work, often making only pennies a day, but his family needed food. After the war he met my mother and had a family and was never able to go back to school.

One of the things that emerged from his experience was a tremendous amount of appreciation for having a good job and the importance of saving and preparing for retirement. Those enduring values he passed on to me.

Today, our Nation is faced with what is being described by many economists as the worst financial crisis since the great depression. With the decline in the housing market there are many banks and other financial institutions that have been adversely effected. This has caused many of these banks to have to stop or reduce lending money. Many banks have gone bankrupt.

There is no question that this problem was started by the Federal Government's efforts to modify lending rules to allow those with lower incomes and poor credit scores to purchase homes, often with no money down. The inappropriate and meddling actions by the Government-sponsored entities Fannie May and Freddie Mac laid the groundwork for this crisis and it was made worse by unscrupulous Wall Street Bankers and mortgage brokers.

What started as a housing market decline has now become a credit crisis effecting global finance, and it is beginning to affect the retirement savings of millions of Americans and our national economy. Many companies are starting to find it difficult to get financing and we are starting to have leaders in finance and business tell us that if this is not contained we may begin to see spreading business failures and unemployment.

It is against this backdrop that Treasury Secretary Paulson and the head of the Federal Reserve Ben Bernanke originally proposed a plan that calls for the U.S. Treasury to purchase with cash many of these mortgage backed securities held by these banks. Many of the assets are backed by real estate, but because there is no market for them today the bankers are being told they are worthless under the new accounting rules put in place after the Enron scandal.

Banks loan out money at a ratio of 10 to 1. For every 100 dollars of assets they have on their books they are able to make $1,000 in loans. The banks that now hold these mortgaged backed securities have seen the value of many of these plummet to zero which has wiped out hundreds of billions of dollars of capital from their balance sheets. This has taken trillions of dollars out of the capital markets because of this 10:1 ratio. If you were a bank and on your balance sheet was a $100 million dollars worth of mortgage backed securities that the accountants are telling you it is worth zero then you can't do $1 billion in loans.

The Paulson Plan called for purchasing these mortgage-backed securities with cash. I was not happy with the original plan put forth by the Secretary. It called for providing him unfettered access to $700 billion.

The bill I voted for on Monday September 29th and which failed to get a majority was a significant improvement over Secretary Paulson's original proposal. It reduced by half the amount of cash he could access without coming back to Congress. It required that he also develop an option other then asset purchase that included offering insurance to back up the value of these mortgage securities. It also had strong restrictions on excessive executive salaries for many of these troubled companies. No golden parachutes.

Despite the improvements in the bill it did not get my support because I liked it. I voted for it because I was concerned that inaction was too risky. My preferred approach was that proposed by former FDIC Chairman William Isaac. This plan was never given a vote.

Since that failed House vote, the Senate took up the bill and it has added some good things. There are several extensions of existing tax breaks that help families and businesses that were due to expire. Two important items are the coritinuation of sales tax deductibility for the people of Florida and the increase of FDIC insurance to $250,000. It also has a provision to modify the alternative minimum tax. If this provision is not enacted over 20 million families in America will be saddled with huge tax increases next year at a time when they can least afford it.

Unfortunately, the Senate put in several unnecessary items as well such as earmarked tax breaks for special interests. Despite the many flaws in this bill it is the only bill that I will be given a chance to vote on by the Democrat leadership. In light of the very serious problems in our economy, I will give it my support with a yes vote.

I realize that there are many like-minded conservatives in District 15 of Florida and around the country that disagree. I am reminded at this time of the great controversy surrounding the drafting of the Constitution and its ratification at the birth of our Nation.

Today, the Constitution is revered and it has served out Nation well for over 200 years. But the debate surrounding its drafting and ratification was highly controversial with many patriots at the time being strongly opposed to it.

Time will determine if this financial rescue package will serve our Nation well. I am concerned that we are heading into a recession. This package if it works well will likely not allow us to avert a recession, but may allow us to avert a depression.

Ms. SPEIER. Madam Speaker, Wednesday night, before returning to Washington, I had a telephone townhall in my district with over 5,500 constituents.

I'm here to report that they are angry.

They are angry that the Government allowed Wall Street mega-banks and manipulators to act so irresponsibly that they have led our economy to the brink of disaster.

They are angry that for over a decade, greed and abuse have been considered higher virtues than oversight and regulation.

Madam Speaker, I'm angry, too. Because of the mess we're in, school districts back home have lost hundreds of millions of dollars in their reserve accounts. A San Bruno man who worked for 30 years at United Airlines is seeing his pension dissolve before his eyes. And Tony, an independent businessman from San Carlos, will likely have to close his remodeling business if he is unable to get short-term credit for supplies.

Now we hear that the State of California may have to declare bankruptcy.

These reasons are why I will vote for this bill.

But Madam Speaker, no one should interpret this vote as approval of the situation we find ourselves in.

This anger will not easily dissipate. We must commit ourselves in the next Congress to reregulate the markets and repair the damage that years of ineptitude and inattention have wrought on our economy.

Mr. FRELINGHUYSEN. Madam Speaker, I rise in support of H.R. 1424, the Emergency Economic Stabilization Act of 2008.

Our Nation is facing unprecedented challenges and Congress needs to act, with bipartisanship, to restore confidence in our financial markets and get our economy back on the right track. People are depending on the Government to help restore stability.

This legislation before us today, passed by the Senate Wednesday, is substantially improved from the version this House rejected on Monday.

Some of my concerns from the earlier bill have been addressed, but not all. But I am in Washington to look for the best deal for the taxpayers.

The most significant change is that this rescue package now includes Alternative Minimum Tax relief for my constituents in New Jersey, not just relief for Wall Street.

The previous bill presented the taxpayer with a huge bill. This measure contains real relief for the hard-working New Jersey families and I commend the Senate for including what House Democrats have resisted.

My colleagues, no one likes the concept of an unprecedented and expensive Federal Government intervention in our financial markets. But the cold, hard reality is that this rescue package, however oversized, is designed to shield millions of Americans from economic shock waves from problems they did not create.

Our economy is built on credit and we need to get credit back into the markets.

There can be no doubt that our financial markets are in crisis, suffering from a number of problems:

(1) Banks and other financial institutions have billions of dollars of bad housing-related debt on their books, to the extent that many are technically insolvent.

(2) But we also have a problem stemming from a serious crisis of confidence that has frozen the credit system. Financial institutions are, in essence, ''hoarding'' capital. Most are not lending money.

As a result, we see credit markets which are limiting the ability of people and businesses to borrow. It's a crisis that is affecting a wide range of Americans: Employees working for businesses dependent on available credit to cover payroll or buy inventory; retirees who count on their stocks and other investments to pay their bills and for future expenses; workers who have built pension funds and 401(k)s for their future security; families who have seen their home values drop precipitously, and their nest eggs are directly related to that value; families trying to buy homes or cars or secure student loans for college; men and women who work every day to keep their small businesses afloat. Without reliable credit, they cannot stay in business, let alone create jobs.

With that said, I recognize that many people may not like the expensive rescue plan. But we have no alternative but to approve this legislation and do it quickly.

Madam Speaker, the package that this House rejected, on a bipartisan basis, on Monday was much stronger than the original proposal offered by the Treasury Secretary 2 weeks ago. That bill cut the Treasury's upfront spending authority in half, included several important taxpayer protections, limitations on executive bonuses, improved bipartisan oversight and deleted ''slush fund'' financing for such partisan groups as ACORN, and trial lawyer giveaways.

I am pleased that the package before us today is vastly improved over Monday's bill. That legislation, in effect, handed the American people nothing but a huge bill to pay. This measure protects middle income Americans from tax increases and gives businesses the financial support they need to create and maintain jobs.

Specifically, we are shielding tens of thousands of New Jersey taxpayers from the unfair Alternative Minimum Tax increase.

New Jersey has the highest per capita rate of citizens subject to the AMT in the country. Without this fix approximately 1.6 million residents of New Jersey, including over 141,000 families in my district, would be subject to the AMT this year. The provisions included in the Emergency Economic Stabilization Act will prevent approximately an additional 100,000 residents of my district from paying this unfair tax.

It is never a ''good time'' to raise taxes, but I cannot imagine a worse idea in times of economic slowdown.

The bill also expands Federal Deposit Insurance Corporation protection for bank accounts to $250,000 per account from $100,000. This provision is designed to send a strong signal to depositors, individuals and small businesses alike, that their money is backed by the United States Government.

The bill also includes:

Tax relief for middle-class families and American businesses—the engine of job creation. These include credits and deductions for college tuition, children, and research and development.

The extension of renewable energy tax incentives designed to build momentum toward reducing our dangerous dependence on foreign oil.

Landmark mental health ''parity'' legislation which will increase health care coverage for Americans suffering with mental illness.

I am also encouraged that the Securities and Exchange Commission, SEC, has issued accounting guidelines that allow banks to move away from ''mark-to-market'' accounting rules that artificially undervalue good mortgage assets and have helped aggravate this economic crisis.

My colleagues, I am confident that, given additional time, we could make even more improvements to this legislation after we listen further to our constituents. However, it has become very apparent to me that we do not have additional time.

We are in ''panic mode'' brought about by the unwise use of leverage, poor accounting rules, program trading, an explosion in the use of financial instruments, and lax regulation of our markets.

Credit markets have frozen. Americans everywhere are feeling the pain through their

businesses, through their jobs, through their inability to get a mortgage, or a loan to buy a car, complete a home renovation, or finance a college education.

As I stated initially, our economy faces historic and unprecedented challenges. Congress must take swift, decisive and bipartisan action to restore immediate confidence to the markets and set our economy back on the right track.

This is a rescue package designed to shield millions of Americans from catastrophic shock waves of problems they did not create.

We need to vote yes, and we need to vote now.

But even after this vote, our work is not done. We need aggressive oversight over the actions of the Treasury and the Federal Reserve and more transparency in our financial markets.

I urge passage of H.R. 1424.

Mr. RAMSTAD. Madam Speaker, I rise in support of the revised economic recovery bill.

The inclusion of the mental health parity bill, major tax relief and bank deposit, FDIC, insurance increases caused me to reconsider my position and I believe there's too much at stake to let the legislation fail.

The revised bill is a recovery bill for the economy and a recovery bill for millions of Americans suffering the ravages of mental illness and addiction.

This revised legislation will also protect 22 million middle-income taxpayers from the enormous tax increases of the Alternative Minimum Tax, AMT.

Madam Speaker, the revised bill also extends research and development tax credits to create jobs and renewable energy credits to reduce our dependence on foreign oil. The revised bill also includes higher education deductions and child credits to help families and students.

Also, the revised bill increases bank deposit insurance limits, FDIC, to $250,000 to protect depositors and help small businesses that need credit.

Madam Speaker, I will vote for the revised economic recovery plan to help Minnesota's working families, seniors and small businesses during this historic crisis in our economy. The credit crisis is real, and it's destroying jobs, retirement savings and the American dream.

Mr. TERRY. Madam Speaker, I rise in support of H.R. 1424 because it is, in my opinion, our last opportunity to save jobs, save small businesses, and I pray prevent a collapse of our economy. I believe that is what we are facing today.

I have heard from hundreds of Nebraskans who have contacted me by phone, email, or have just come up to me when I was home. All of them are angry. Angry at the greed, arrogance, and just plain reckless nature of Wall Street. Angry at Congress and the administration who have now proposed using taxpayers' dollars to bail out those greedy investment bankers, traders, and CEOs. People have every right to be angry at these self-important Wall Street executives who cared more about themselves by making a quick buck no matter the risk or lack of ethics just so they could earn multi-million dollar salaries.

Madam Speaker, I share that anger. Maybe even a little more, as my constituents have transferred their anger onto the one who they can reach out to—me. I have to admit that listening to their anger and fright, sharing their true feelings, but knowing that I have the responsibility as their Representative in Congress to do something to help them, has increased my frustration to a level I've never experienced before as a Member of Congress. Still, something must be done. Inaction may be ''something,'' but it is not the answer.

I now know that to save ourselves we must also save the pigs. Those greedy pigs on Wall Street don't deserve help from hard-working Americans. But allowing them to fail will cause so many other businesses that conducted their business in good faith, ethically and conservatively to lose access to credit, lose business, and eventually maybe have to close their doors. Yes, even in Nebraska, far away from Wall Street. I have heard from several business leaders in Omaha who say they will have to lay off some employees if liquidity in our financial system is not restored. One business owner told me they are at risk of shutting their doors and every employee will be laid off. My vote today is to help the people of Nebraska, protect their jobs, and protect their savings.

So, is this bill the best answer? Probably not. I prefer stimulating the economy by eliminating or suspending the capital gains tax, providing an incentive to purchase of homes with a tax credit, transferring the toxic mortgage debt to the free market, using insurance to cover future debt, and encouraging the Federal Reserve to release more money to central banks for increased liquidity. I also support suspending an arcane federal accounting rule mandated on publicly traded companies known as ''mark to market''.

The mark to market rule forces firms to report the current market value of an asset. So when no market exists at a point in time for an asset then its value is zero or next to zero. But the asset has value and will have more value in the future. The rule is unforgiving and has caused companies to declare they are bankrupt—when they are really worth more.

Madam Speaker, the first bill brought to Congress by Treasury Secretary Paulson on Monday, September 22, was insulting. The bill would have given Secretary Paulson complete control over $700 billion, no questions asked, no transparency, no accountability, and no punishment of the hogs on Wall Street.

After several listening sessions with Members our leadership began negotiations with Secretary Paulson. These talks were painful and long with many starts and stops and a premature declaration of done deal. After several days, a true deal was announced. Some of the good ideas by Members to improve the bill were included, but very few.

I knew we could do a much better job to protect the taxpayers and I felt the responsibility to continue to try. I also knew that I could vote ''no,'' and allow the bill to fail. Then, maybe then, the administration would listen.

That's exactly what happened. I voted against it and once again offered seven provisions to the White House and leadership to make it a better bill. Those improvements included suspension of mark to market, more use of FDIC insurance, and reinstating the so-called ''uptick'' rule. The first two priorities were agreed to and made a part of the final bill.

This bill prohibits the use of tax dollars for executive severance packages, creates a board of directors to approve of the Secretary of Treasury's decisions spending tax dollars, greater oversight by Congress, slowing the release of tax dollars, allowing the SEC Chairman to waive the mark to market rule when no market exists for a particular asset (the SEC chairman agreed to do so), and providing insurance to limit the taxpayer's risk of loss where the Government purchased toxic debt.

Finally, I want to thank a number of individuals in the Omaha community who took the time to talk to me about the bill and legitimacy of the crisis. They made me better informed about this problem from a Nebraska perspective, thereby allowing me to step back and be more thoughtful on how to proceed. Your advice and assistance was much appreciated.

Madam Speaker, this is not the perfect solution, it's not even a good one, but it is the solution before us today. And I will support it because I can't look into the eyes of someone who has just lost their job and say, ''I did nothing to help.''

Mr. DINGELL. Madam Speaker, on Monday I urged my colleagues to support economic recovery legislation, and I continue to urge them to do so today. When I voted against the Gramm-Leech-Bliley Act in 1999 I warned my colleagues that the Government would one day be called upon to rescue failing financial institutions. As angry as I am that my prediction was accurate, I know that on this day inaction is not an option. I still have reservations about this legislation. I do not believe it sufficiently addresses the financial services industry deregulation that allowed this crisis to happen, and I do not believe that it does enough for struggling families. However, I know that the people of this country cannot afford to go another day without action.

After our failure to pass this legislation on Monday the stock market suffered the greatest one day decline in its history. The Wall Street executives and investment bankers that got us into this mess surely took a hit, but so too did individual retirement accounts and state pension funds. For example, the State of Michigan estimates that individual investors in the state have lost over $27 billion in the stock market in the last year, and the Michigan Pension Fund lost $2.3 billion on Monday after the House voted down this plan. Should Wall Street decline further and the value of the dollar continue to fall, it will mean greater unemployment, even higher prices for basic commodities, and access to credit for things like college education or home improvements will be even harder to obtain. The impact on the broader economy will be felt by every American.

In fact, the lack of credit in the marketplace is already affecting some parts of the broader economy. Auto sales were down 27 percent in the past year, in part because consumers cannot get access to credit for car loans. The automobile financing companies are not responsible for the current credit crisis, but they will be eligible to participate in this program to obtain the credit they need to keep vehicle sales strong. This week I learned about a financially sound manufacturing company in Michigan that is seeking a mortgage to replace its current building, which it has outgrown, with a new facility that will allow the company to expand its operations and add much needed jobs. This company is struggling to even find a bank willing to loan it money. Small and medium-sized businesses did not cause this crisis, but unless this crisis is addressed and the credit markets are restored they will find themselves unable to do business.

Despite my lingering concerns that this is not the best possible way to address this crisis, we clearly have to act to avert a much larger economic failure. In the months ahead, we can continue to revisit these issues and work together to adopt measures that restore the regulatory structure that is supposed to protect the financial system from this kind of failure, and that provide much needed assistance to the hard-working men and women who are suffering because of the economic climate created by irresponsible parties on Wall Street and here in Washington. I urge my colleagues to support the legislation before us today as a matter of great national urgency.

Mr. COOPER. Madam Speaker, I would like to submit for the RECORD a letter of support for the economic rescue plan currently before Congress submitted by the Business Roundtable.

BUSINESS ROUNDTABLE,
*Washington, DC, October 1, 2008.*

To: Members of Congress
Re: Economic Rescue Plan

The failure to pass emergency legislation to rescue the U.S. financial system will put our entire economy at risk. The resulting turmoil in equity markets has already wiped out hundreds of billions of dollars in household wealth and the retirement savings of the American people. But the impact of this crisis extends well beyond the financial industry.

As business leaders representing companies that generate more than $5 trillion of U.S. GDP—more than one-third of the U.S. economy—we are already seeing the damage spread to every sector of our economy. Credit is being shut off to both small businesses trying to meet payroll and families struggling to pay college tuition bills. Retail sales are declining each week as consumer confidence collapses. More business failures, job losses and significantly higher unemployment loom on the horizon.

Further delay will only increase these adverse impacts on America's economy. We urge Congress to act immediately to pass bipartisan legislation to stabilize the U.S. financial system and contain the damage to our broader economy while that opportunity still exists. The American people have always risen to whatever economic challenges they have faced, and with swift congressional action we can meet this crisis and restore our economy to its historic path of strong growth and rising prosperity.

Sincerely,

Enrique O. Santacana, President and Chief Executive Officer, ABB Inc.; Miles D. White, Chairman and CEO, Abbott; William D. Green, Chairman & CEO, Accenture; Evan G. Greenberg, Chairman and Chief Executive Officer, ACE Group; Gary C. Butler, President and CEO, ADP; Ronald A. Williams, Chairman and CEO, Aetna Inc.; Klaus Kleinfeld, President and CEO, Alcoa Inc.; John E. McGlade, Chairman, President, and CEO, Air Products and Chemicals, Inc.; James L. Wainscott, Chairman, President & CEO, AK Steel Corporation; Thomas J. Wilson, Chairman, President & CEO, Allstate Insurance Company; Lee Styslinger, III, Chairman & CEO, Altec, Inc.; Michael G. Morris, Chairman, President and Chief Executive Officer, American Electric Power Company, Inc.

Kenneth I. Chenault, Chairman and CEO, American Express Company; James M. Cracchiolo, Chairman and Chief Executive Officer, Ameriprise Financial; James T. Hackett, Chairman, President & CEO, Anadarko Petroleum Corporation; Paul W. Jones, Chairman and CEO, A.O. Smith Corporation; G. Steven Farris, President, Chief Executive Officer and Chief Operating Officer, Apache Corporation; Steven F. Leer, Chairman & CEO, Arch Coal, Inc.; Patricia A. Woertz, Chairman, CEO & President, Archer Daniels Midland Company; Charles G. ''Chip'' McClure, Chairman, CEO and President, ArvinMeritor, Inc.; Dean A. Scarborough, President & CEO, Avery Dennison; Ronald L. Nelson, Chairman & CEO, Avis Budget Group; Riley P. Bechtel, Chairman & CEO, Bechtel Group, Inc.; Stephen A. Schwarzman, Chairman and CEO, The Blackstone Group.

W. James McNerney, Jr., Chairman of the Board, President and Chief Executive Officer, The Boeing Company; Robert A. Malone, Chairman & President, BP America Inc.; Michael T. Dan, Chairman, President & CEO, The Brink's Company; John A. Swainson, CEO, CA, Inc.; Harold D. Boyanovsky, President and CEO, Case New Holland Inc.; James W. Owens, Chairman and CEO, Caterpillar, Inc.; Kathryn V. Marinello, Chairman and Chief Executive Officer, Ceridian Corporation; Dave O'Reilly, Chairman and CEO, Chevron Corporation; H. Edward Hanway, Chairman and Chief Executive Officer, CIGNA corporation; Muhtar Kent, President and Chief Operating Officer, The Coca-Cola Company; Mayo A. Shattuck, III, Chairman, President & CEO, Constellation Energy; David F. Dougherty, President and CEO, Convergys Corporation.

Douglas W. Stotlar, President & CEO, Con-way Inc.; Wendell P. Weeks, Chairman and Chief Executive Officer, Corning Incorporated; Eric C. Fast, President & Chief Executive Officer, Crane Co.; Michael J. Ward, Chairman, President & CEO, CSX Corporation; Tim Solso, Chairman & CEO, Cummins Inc.; Robert W. Lane, Chairman and CEO, Deere & Company; James H. Quigley, Chief Executive Officer, Deloitte Touche Tohmatsu; Robert S. Miller, Executive Chairman, Delphi Corporation; J.T. Battenberg, III, Chairman, CEO—Retired, Delphi Corporation; Andrew N Liveris, Chairman & CEO, The Dow Chemical Company; Chad Holiday, Chairman and CEO, DuPont; J. Brian Ferguson, Chairman and Chief Executive Officer, Eastman Chemical Company.

Antonio M. Perez, Chairman and CEO, Eastman Kodak Company; Alexander M. Cutler, Chairman and CEO, Eaton Corporation; John C. Lechleiter, President and CEO, Eli Lilly and Company; James S. Turley, Chairman and Chief Executive Officer, Ernst & Young LLP; William G. Walter, President and Chief Executive Officer, FMC Corporation; Lewis Hay, III, Chairman and Chief Executive Officer, FPL Group, Inc.; Jeffrey R. Immelt, Chairman & CEO, GE; G.R. Wagoner, Jr., Chairman and Chief Executive Officer, General Motors Corporation; Marshall O. Larsen, Chairman, President & CEO, Goodrich Corporation; Dinesh C. Paliwal, Chairman & CEO, Harman International Industries, Inc.; David M. Cote, Chairman and Chief Executive Officer, Honeywell International Inc.; Brendan McDonagh, CEO, HSBC North America Holdings Inc.

Mike McCallister, President and Chief Executive Officer, Humana Inc.; Samuel J Palmisano, Chairman, President & CEO, IBM Corporation; John V. Faraci, Chairman and Chief Executive Officer, International Paper; Steven R. Loranger, Chairman, President and CEO, ITT Corporation; Steve Roell, Chairman and CEO, Johnson Controls, Inc.; Timothy P. Flynn, Chairman & CEO, KPMG; Edmund F. Kelly, Chairman, President and CEO, Liberty Mutual Group; Stuart H. Reese, Chairman, President and CEO, MassMutual Financial Group; Harold McGraw III, Chairman, President and CEO, The McGraw-Hill Companies; John H. Hammergren, Chairman and CEO, McKesson Corporation; David B. Snow, Jr., Chairman & CEO, Medco Health Solutions, Inc.; Gregory Q. Brown, President & Co-CEO, Motorola, Inc.

John A. Luke, Jr., Chairman & CEO, MWV Corporation; Thomas C. Nelson, Chairman, President & CEO, National Gypsum Company; Jerry Jurgensen, Chief Executive Officer, Nationwide Mutual Insurance Company; Dan Ustian, Chairman, President & CEO, Navistar; Ted Mathas, President & CEO, New York Life Insurance; C.W. Moorman, Chairman, President and CEO, Norfolk Southern Corporation; Daniel R DiMicco, Chairman and CEO, NUCOR CORPORATION; Steve Odland, Chairman & CEO, Office Depot, Inc.; Michael H. Thaman, Chairman and CEO, Owens Corning; Richard L. Wambold, Chairman and CEO, Pactiv Corporation; Jeffrey B. Kindler, Chairman and CEO, Pfizer Inc.; Steve Angel, Chairman and CEO, Praxair, Inc.

Dennis M. Nally, Chairman and Senior Partner, PricewaterhouseCoopers; Larry Zimpleman, President and Chief Executive Officer, Principal Financial Group; A.G. Lafley, Chairman of the Board and Chief Executive Officer, The Procter & Gamble Company; Ralph Izzo, Chairman of the Board, President & Chief Executive Officer, Public Service Enterprise Group Inc.; Henry R. Silverman, Chairman, Realogy Corporation; Keith D. Nosbusch, Chairman & CEO, Rockwell Automation; Brenda C. Barnes, Chairman and CEO, Sara Lee Corporation; James H. Goodnight, CEO and Founder, SAS; Fred Hassan, Chairman and Chief Executive Officer, Schering-Plough Corporation; J. Patrick Spainhour, CEO, ServiceMaster Global Holdings; George Nolen, CEO, Siemens Corporation; Edward B. Rust Jr., Chairman and CEO, State Farm Insurance.

Lewis B. Campbell, Chairman, President and Chief Executive Officer, Textron Inc.; Marijn E. Dekkers, President and CEO, Thermo Fisher Scientific; Tom Lynch, Chief Executive Officer, Tyco Electronics; Edward D. Breen, Chairman and CEO, Tyco International; Jim Young, Chairman, Union Pacific; Louis R. Chênevert, President & Chief Executive Officer, United Technologies Corporation; Ivan Seidenberg, Chairman and CEO, Verizon; Dan Fulton, President and CEO, Weyerhaeuser Company; Jeff M. Fettig, Chairman and CEO, Whirlpool Corporation; Steven J. Malcolm, Chairman, President & CEO, The Williams Companies, Inc.; Anne M. Mulcahy, Chairman and Chief Executive Officer, Xerox Corporation; William D. Zollars, Chairman, President & CEO, YRC Worldwide.

Mr. CONYERS. Madam Speaker, today the House of Representatives will vote for the second time this week on Secretary Paulson's flawed bailout legislation. His plan lacks the

core principles needed to improve the economy. To be a viable plan, the legislation must include (1) enacting a moratorium on foreclosures, (2) restructuring mortgages to make them more affordable, and (3) prohibiting interest rate increases associated with subprime loans. These initiatives can be achieved without spending one dollar of the taxpayer's money. In addition, empowering the Federal Deposit Insurance Corporation to guarantee all depositors and bond holders would provide immediate liquidity to credit markets.

If the Congress acts imprudently today, we may end up draining our national treasury of over $700 billion in resources without curing our economic ills. Such a decision could effectively tie the hands of the next President and kill universal health care and job programs before they are ever drafted.

I agree with former World Bank chief economist Joseph Stiglitz and other leading economists that action must be taken to tackle the problem posed by the tightening of the credit market. I simply disagree with the administration's proposed solution.

Although it hasn't been reported in the mainstream media, there are real legislative alternatives to this bailout that have been vetted by some of the best economic minds in the Congress.

One plan, offered by Representative PETER DEFAZIO and other members of the so-called "Bailout Skeptics" Caucus, proposes some common sense changes to Securities and Exchange Commission rules and Federal Deposit Insurance Corporation policies. I have cosponsored this legislation because I believe it will efficiently free-up capital, protect the taxpayer, and give the next President the fiscal flexibility he will need to address the dire problems brought about by the current economic slowdown.

Another plan, proposed by billionaire financier George Soros, mimics a successful model used in Norway and Sweden. The plan would inject credit into the markets in a direct and low-risk manner by empowering the Treasury Department to purchase preferred stock and discounted common stock from faltering lenders. I called for this type of direct capital deployment measure earlier this week, because it would provide the taxpayers with a tangible return on their investment and keep toxic mortgage-backed securities off the government's books.

On top of these plans, I and many of my progressive colleagues have continually advocated for bankruptcy reform that would give judges the freedom to renegotiate home mortgages during court proceedings. National Assistance Corporation of America CEO Bruce Marks and I agree that this reform is a necessary component of any bailout plan.

Most Americans have never heard of any of these alternative proposals because they have only been presented with a single, flawed narrative—either accept this bailout plan or tempt economic catastrophe. This is a false choice that, unfortunately, has been successfully peddled by the President's fear-mongers and broadcast by a compliant media.

The tactic being used by Paulson creates an atmosphere of fear. The events of the last two weeks are reminiscent of the days leading up to the adoption of the Patriot Act, and to the invasion of Iraq—times where fear-mongering dampened the careful and deliberate consideration of alternative courses of action. This time, instead of scaring the American people with tales of weapons of mass destruction or planes piloted by terrorists, the President bullies the taxpayer with dire warnings of a credit freeze that will bring our economy to its knees.

There are serious options for dealing with this crisis that don't involve giving away billions to the richest, most irresponsible businessmen. My vote against the bailout today is not a do-nothing vote; it is a vote for a real solution. We cannot afford to repeat the mistakes of the past. Detroiters, Michiganders, Americans, and billions of people around the world are depending on us to get it right.

Mr. MORAN of Virginia. Madam Speaker, under the Emergency Economic Stabilization Act of 2008, the Treasury Department's Troubled Assets Relief Program (TARP) will have the ability to support the financial system through the purchase of securities and through investing in equity/preferred securities. I strongly believe equity infusion if used wisely will have greater benefits for our economy and yield higher returns to American taxpayers.

A strong consensus among financiers and economists has developed supporting these conclusions. George Soros, Joeseph Stigliz, Bradford Delong, Paul Krugman, John Makin, Alex Pollack, Lucien Bebchuk, and Edmund Phelps are a sample of the bipartisan expertise that has contributed to the debate and strongly support the finding that using capital infusions rather than distressed asset purchases alone will have a far greater re-invigorating effect on our economy.

If done effectively, equity infusions will introduce 10 to 12 times the amount of the initial government investment into our credit markets. This means that capital infusions of $700 billion would yield credit flow effects totaling $8.4 trillion. In contrast, distressed asset purchases of $700 billion yield credit flow effects of only $700 billion. Capital infusions could give us 12 times the support for the communities and small businesses that badly need credit.

The capital infusion approach would involve using Warren Buffett type investment strategies and would result in the government owning equity interests in the institutions which are assisted. If these government investments do only half as well as Buffett's investments in distressed institutions such as Goldman Sachs, U.S. taxpayers will earn as much as $200 billion profit when the financial sector recovers. This is far beyond any forecast return to taxpayers from buying distressed assets. In fact the difference for taxpayers of the two methods could be as large as $375 billion. This will result in lower taxes longer term and better health care, better schools, and a cleaner environment. Because it is sound, transparent and effective, it will restore global confidence in the U.S. economy.

I attach three articles from George Soros, Lucien Bebchuk, and Joseph Stiglitz, to be included in the RECORD.

[From the Financial Times, Oct. 1, 2008]

RECAPITALISE THE BANKING SYSTEM

(By George Soros)

The emergency legislation currently before Congress was ill-conceived—or more accurately, not conceived at all. As Congress tried to improve what Treasury originally requested, an amalgam plan has emerged that consists of Treasury's original Troubled Asset Relief Programme (Tarp) and a quite different capital infusion programme in which the government invests and stabilises weakened banks and profits from the economy's eventual improvement. The capital infusion approach will cost tax payers less in future years, and may even make money for them.

Two weeks ago the Treasury did not have a plan ready—that is why it had to ask for total discretion in spending the money. But the general idea was to bring relief to the banking system by relieving banks of their toxic securities and parking them in a government-owned fund so that they would not be dumped on the market at distressed prices. With the value of their investments stabilised, banks would then be able to raise equity capital.

The idea was fraught with difficulties. The toxic securities in question are not homogenous and in any auction process the sellers are liable to dump the dregs on to the government fund. Moreover, the scheme addresses only one half of the underlying problem—the lack of credit availability. It does very little to enable house owners to meet their mortgage obligations and it does not address the foreclosure problem. With house prices not yet at the bottom, if the government bids up the price of mortgage backed securities, the taxpayers are liable to lose; but if the government does not pay up, the banking system does not experience much relief and cannot attract equity capital from the private sector.

A scheme so heavily favouring Wall Street over Main Street was politically unacceptable. It was tweaked by the Democrats, who hold the upper hand, so that it penalises the financial institutions that seek to take advantage of it. The Republicans did not want to be left behind and imposed a requirement that the tendered securities should be insured against loss at the expense of the tendering institution. The rescue package as it is now constituted is an amalgam of multiple approaches. There is now a real danger that the asset purchase programme will not be fully utilised because of the onerous conditions attached to it.

Nevertheless, a rescue package was desperately needed and, in spite of its shortcomings, it would change the course of events. As late as last Monday, September 22, Treasury secretary Hank Paulson hoped to avoid using taxpayers' money; that is why he allowed Lehman Brothers to fail. Tarp establishes the principle that public funds are needed and if the present programme does not work, other programmes will be instituted. We will have crossed the Rubicon.

Since Tarp was ill-conceived, it is liable to arouse a negative response from America's creditors. They would see it as an attempt to inflate away the debt. The dollar is liable to come under renewed pressure and the government will have to pay more for its debt, especially at the long end. These adverse consequences could be mitigated by using taxpayers' funds more effectively.

Instead of just purchasing troubled assets the bulk of the funds ought to be used to recapitalise the banking system. Funds injected at the equity level are more high-powered than funds used at the balance sheet level by a minimal factor of twelve—effectively giving the government $8,400bn to reignite the flow of credit. In practice, the effect would be even greater because the injection of government funds would also attract private capital. The result would be more economic recovery and the chance for taxpayers to profit from the recovery.

This is how it would work. The Treasury secretary would rely on bank examiners rather than delegate implementation of Tarp to Wall Street firms. The bank examiners would establish how much additional equity

capital each bank needs in order to be properly capitalised according to existing capital requirements. If managements could not raise equity from the private sector they could turn to Tarp.

Tarp would invest in preference shares with warrants attached. The preference shares would carry a low coupon (say 5 per cent) so that banks would find it profitable to continue lending, but shareholders would pay a heavy price because they would be diluted by the warrants; they would be given the right, however, to subscribe on Tarp's terms. The rights would be tradeable and the secretary of the Treasury would be instructed to set the terms so that the rights would have a positive value.

Private investors, including me, are likely to jump at the opportunity. The recapitalised banks would be allowed to increase their leverage, so they would resume lending. Limits on bank leverage could be imposed later, after the economy has recovered. If the funds were used in this way, the recapitalisation of the banking system could be achieved with less than $500bn of public funds.

A revised emergency legislation could also provide more help to homeowners. It could require the Treasury to provide cheap financing for mortgage securities whose terms have been renegotiated, based on the Treasury's cost of borrowing. Mortgage service companies could be prohibited from charging fees on foreclosures, but they could expect the owners of the securities to provide incentives for renegotiation as Fannie Mae and Freddie Mac are already doing.

Banks deemed to be insolvent would not be eligible for recapitalization by the capital infusion programme, but would be taken over by the Federal Deposit Insurance Corporation. The FDIC would be recapitalised by $200bn as a temporary measure. FDIC, in turn could remove the $100,000 limit on insured deposits. A revision of the emergency legislation along these lines would be more equitable, have a better chance of success, and cost taxpayers less in the long run.

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[From the Financial Times, Oct. 1st, 2008]

THE RESCUE PLAN: DIRECT CAPITAL INVESTMENTS WOULD BE BETTER FOR BOTH MARKETS AND TAXPAYERS

(By Lucian Bebchuk)

Most immediate reactions to the defeat of the emergency legislation in the House of Representatives seem to assume that, facing a choice between approval and government inaction that could bring about a financial meltdown, the House irresponsibly and irrationally opted for the latter. But the defeat of this particular bill hardly leaves us with inaction as the only alternative.

The bill was defeated at least partly because of its inability to gather sufficient public support due to its evident flaws. Congress can and should adopt quickly a bill that would address these flaws and consequently enjoy strong public support.

There is widespread recognition of the depth of the crisis and the need for governmental intervention. Why was the bill nonetheless defeated? Because there is an equally widespread recognition that spending $700 billion on purchasing (and insuring) toxic paper would be a highly flawed form of intervention.

During the week preceding the vote, it has become evident that the government's contemplated plans for valuing troubled assets would lead to a quagmire. Opposition to the bill grew due to expectations that purchasing toxic paper could well result in massive complexities, large giveaways, and substantial public losses.

At the same time, recognition has grown that, notwithstanding these large costs, the proposed plan would fail to provide the financial sector with capital infusions that would be as immediate, large, and appropriately targeted as needed. Because the bill would provide financial firms with extra capital largely through overpaying for troubled assets (or under-pricing insurance for such assets), it would provide capital only following the consummation of complex and time-consuming processes and cannot be counted on to supply capital where and when it would be most useful.

Suppose that a financial firm runs into trouble, needs a substantial infusion of capital within days, and is viewed by the government as important to save. Even if the rejected bill were in effect at present, it would not provide the government with effective tools to deal with such a situation. For one thing, purchasing the many types of troubled assets the firm may own through the bill's contemplated valuation procedures would require a long delay.

Consider the government's recent infusion of capital into AIG. Facing the risk of AIG's collapse, the government provided $85 billion right away and received in return an agreed upon set of debt and equity instruments. Had the bill passed on Monday and AIG subsequently needed assistance, the funds authorised by the bill might not be usable for such capital infusion by the government. Purchasing the large and highly heterogeneous portfolio of troubled assets owned by AIG through valuation processes would not provide an effective and timely form of intervention.

The passage of the defeated bill thus would not have effectively dispelled the financial markets' worries. To do so, Congress should not reconsider the rejected bill but rather pass an authorization for the treasury to infuse capital into financial firms. The same big, market-reassuring number can be used: $700 billion. But the bill, which I expect to obtain wide public support, should focus on and permit direct capital investment of the authorised funds.

The Treasury's direct capital investments should be guided by the objectives of restoring stability to the financial markets and protecting taxpayers. When a firm is solvent and undercapitalised, the Treasury should insist on getting a set of new capital securities that would provide the government with adequate return on its investment.

In cases in which a firm is insolvent and not merely undercapitalised, the Treasury should still be permitted to make a capital investment if it views the firm's continued operations as necessary to avoid disruption to the financial markets. Taxpayer losses from the legislation would be limited to such cases, and these losses would be kept to a minimum by the government's investing in such cases only on terms effectively enabling it to take over the firm's equity.

It would be perfectly fine for Congress to include authorisation to purchase toxic assets in the adopted legislation. But the bill should not contemplate that such purchases would be a primary form for injecting capital to financial firms, and it should allow such purchases only if they are done at fair market value.

Financial markets should be reassured that the Treasury is equipped with the best tools for addressing distress in financial firms and for shoring up these firms' capital. Congress should move quickly to adopt legislation authorizing the use of $700 billion for infusing capital into financial firms. If it does, Monday's defeat of the proposal to spend $700 billion on purchasing toxic paper might turn into a blessing.

[From The Nation, Sept. 26, 2008]

A BETTER BAILOUT

(By Joseph E. Stiglitz)

The champagne bottle corks were popping as Treasury Secretary Henry Paulson announced his trillion-dollar bailout for the banks, buying up their toxic mortgages. To a skeptic, Paulson's proposal looks like another of those shell games that Wall Street has honed to a fine art. Wall Street has always made money by slicing, dicing and recombining risk. This ''cure'' is another one of these rearrangements: somehow, by stripping out the bad assets from the banks and paying fair market value for them, the value of the banks will soar.

There is, however, an alternative explanation for Wall Street's celebration: the banks realized that they were about to get a free ride at taxpayers' expense. No private firm was willing to buy these toxic mortgages at what the seller thought was a reasonable price; they finally had found a sucker who would take them off their hands—called the American taxpayer.

The administration attempts to assure us that they will protect the American people by insisting on buying the mortgages at the lowest price at auction. Evidently, Paulson didn't learn the lessons of the information asymmetry that played such a large role in getting us into this mess. The banks will pass on their lousiest mortgages. Paulson may try to assure us that we will hire the best and brightest of Wall Street to make sure that this doesn't happen. (Wall Street firms are already licking their lips at the prospect of a new source of revenues: fees from the U.S. Treasury.) But even Wall Street's best and brightest do not exactly have a credible record in asset valuation; if they had done better, we wouldn't be where we are. And that assumes that they are really working for the American people, not their long-term employers in financial markets. Even if they do use some fancy mathematical model to value different mortgages, those in Wall Street have long made money by gaming against these models. We will then wind up not with the absolutely lousiest mortgages, but with those in which Treasury's models most underpriced risk. Either way, we the taxpayers lose, and Wall Street gains.

And for what? In the S&L bailout, taxpayers were already on the hook, with their deposit guarantee. Part of the question then was how to minimize taxpayers' exposure. But not so this time. The objective of the bailout should not be to protect the banks' shareholders, or even their creditors, who facilitated this bad lending. The objective should be to maintain the flow of credit, especially to mortgages. But wasn't that what the Fannie Mae/Freddie Mac bailout was supposed to assure us?

There are four fundamental problems with our financial system, and the Paulson proposal addresses only one. The first is that the financial institutions have all these toxic products—which they created—and since no one trusts anyone about their value, no one is willing to lend to anyone else. The Paulson approach solves this by passing the risk to us, the taxpayer—and for no return. The second problem is that there is a big and increasing hole in bank balance sheets—banks lent money to people beyond their ability to repay—and no financial alchemy will fix that. If, as Paulson claims, banks get paid fairly for their lousy mortgages and the complex products in which they are embedded, the hole in their balance sheet will remain. What is needed is a transparent equity injection, not the non-transparent ruse that the administration is proposing.

The third problem is that our economy has been supercharged by a housing bubble which

has now burst. The best experts believe that prices still have a way to fall before the return to normal, and that means there will be more foreclosures. No amount of talking up the market is going to change that. The hidden agenda here may be taking large amounts of real estate off the market—and letting it deteriorate at taxpayers' expense.

The fourth problem is a lack of trust, a credibility gap. Regrettably, the way the entire financial crisis has been handled has only made that gap larger.

Paulson and others in Wall Street are claiming that the bailout is necessary and that we are in deep trouble. Not long ago, they were telling us that we had turned a corner. The administration even turned down an effective stimulus package last February—one that would have included increased unemployment benefits and aid to states and localities—and they still say we don't need another stimulus. To be frank, the administration has a credibility and trust gap as big as that of Wall Street. If the crisis was as severe as they claim, why didn't they propose a more credible plan? With lack of oversight and transparency the cause of the current problem, how could they make a proposal so short in both? If a quick consensus is required, why not include provisions to stop the source of bleeding, to aid the millions of Americans that are losing their homes? Why not spend as much on them as on Wall Street? Do they still believe in trickle-down economics, when for the past eight years money has been trickling up to the wizards of Wall Street? Why not enact bankruptcy reform, to help Americans write down the value of the mortgage on their overvalued home? No one benefits from these costly foreclosures.

The administration is once again holding a gun at our head, saying, ''My way or the highway.'' We have been bamboozled before by this tactic. We should not let it happen to us again. There are alternatives. Warren Buffet showed the way, in providing equity to Goldman Sachs. The Scandinavian countries showed the way, almost two decades ago. By issuing preferred shares with warrants (options), one reduces the public's downside risk and insures that they participate in some of the upside potential. This approach is not only proven, it provides both incentives and wherewithal to resume lending. It furthermore avoids the hopeless task of trying to value millions of complex mortgages and even more complex products in which they are embedded, and it deals with the ''lemons'' problem—the government getting stuck with the worst or most overpriced assets.

Finally, we need to impose a special financial sector tax to pay for the bailouts conducted so far. We also need to create a reserve fund so that poor taxpayers won't have to be called upon again to finance Wall Street's foolishness.

If we design the right bailout, it won't lead to an increase in our long-term debt—we might even make a profit. But if we implement the wrong strategy, there is a serious risk that our national debt—already overburdened from a failed war and eight years of fiscal profligacy—will soar, and future living standards will be compromised. The president seemed to think that his new shell game will arrest the decline in house prices, and we won't be faced holding a lot of bad mortgages. I hope he's right, but I wouldn't count on it: it's not what most housing experts say. The president's economic credentials are hardly stellar. Our national debt has already climbed from $5.7 trillion to over $9 trillion in eight years, and the deficits for 2008 and 2009—not including the bailouts—are expected to reach new heights. There is no such thing as a free war—and no such thing as a free bailout. The bill will be paid, in one way or another.

Perhaps by the time this article is published, the administration and Congress will have reached an agreement. No politician wants to be accused of being responsible for the next Great Depression by blocking key legislation. By all accounts, the compromise will be far better than the bill originally proposed by Paulson but still far short of what I have outlined should be done. No one expects them to address the underlying causes of the problem: the spirit of excessive deregulation that the Bush Administration so promoted. Almost surely, there will be plenty of work to be done by the next president and the next Congress. It would be better if we got it right the first time, but that is expecting too much of this president and his administration.

Ms. JACKSON-LEE of Texas. Madam Speaker, I would like to thank the chairman of financial services BARNEY FRANK for bringing this important piece of legislation to the floor. I also rise with a sense of the solemnity of this moment. However, I rise today with the confidence that our system of government is strong and the constitutional protections of the full faith and credit of our government must protect Main Street America while we reform America's Wall Street.

The first three articles of the United States Constitution address the three branches of government and their enumerated powers. These articles govern the legislature, the executive, and the judicial branches. Because there is no specific grant of constitutional authority for the actions that will be taking place here today, we the members of Congress need to exercise oversight over the powers and actions of the executive. Should the executive or its agencies exceed the powers granted to it in the Constitution, the judicial can review the determinations made by the executive and the legislative branches. These concepts are fundamental to our Constitution and our system of constitutional checks and balances. These checks and balances were established by the Founding Fathers to reign in the unbridled power of the executive.

Today we are engaged in a fundamental exercise of the constitutional powers extended to the Congress. Today's vote is critically important.

Several questions come to mind when I consider the present financial crisis:

Where was the FDIC?

Where was the SEC?

Where was the Federal Reserve?

I have worked with leadership to offer consistent amendments, not once but twice unsuccessfully, that would have strengthened the enforcement measures over the past week to change the Administration's proposal to make it more encompassing, effective, and better for the American people. While the present legislation is impressive, it is also impressive regarding what needs clarification in the present legislation. For example, the legislation needs clarification on its bankruptcy restructuring; enforcement; and judicial review. These are all issues that I have been very concerned about.

Because I am concerned and desire that the maximum number of Americans get relief from this bill, I offered amendments yesterday. To ensure that this bill provides relief for Americans, I offered the following amendments:

First, many are concerned about the dollar amount that will be set aside for those individuals facing mortgage foreclosure. Therefore, I asked that language be inserted into the bill so that $10 billion be utilized for the Secretary of the Treasury to restructure mortgages.

Second, as Senator BARACK OBAMA has recently stated, he is committed to altering the Bankruptcy Code in the future to assist homeowners on the question of restructuring their mortgages. Therefore, I believe that there should have been Sense of Congress language that the Congress should review and amend the Bankruptcy Code to permit bankruptcy judges to address the question of individual home mortgage restructuring. This would have sent a clear message that Congress is interested in helping Americans pay off their debt despite its not changing the Bankruptcy Code at this time.

Third, there needs to be greater enforcement. In the section on judicial review (section 119), there should have been language that specifically states that ''the courts should be able to exercise their discretion to grant injunctive and/or equitable relief if the court determines that such relief would not destabilize financial markets.''

Fourth, the legislation should have created a new, independent commission to exercise oversight over what happened and the commission should regularly provide reports to Congress. This Commission would be backward looking.

Fifth, the legislation should have been narrowly crafted so that corporate executives who may be convicted of criminal malfeasance in the financial sector might be barred from conducting financial business with the government for a period of seven (7) years.

Sixth, the legislation should have permanently lifted the present insurance cap of $100,000 that the FDIC has established to insure funds stored in FDIC-backed banking institutions to $250,000. I believe that this has already been included in the Senate bill; but, my amendment would have made the change permanent.

Eighth, in section 109, which addresses ''foreclosure mitigation efforts,'' the language should be changed from ''shall encourage'' to ''shall require'' to provide stronger relief for Americans.

Specifically, current section 109(a) states in pertinent part that ''the Secretary shall implement a plan that seeks to maximize assistance for homeowners and use the authority of the Secretary to encourage the servicers of the underlying mortgages . . . to minimize foreclosures.'' I believe if the true intent is to bailout ''Main Street,'' the Secretary should be ''required'' to minimize foreclosures.

Can you clarify how this legislation has any enforcement? I understand that H.R. 1424 establishes a Financial Stability Oversight Board in section 104; Oversight and Audits in section 116; and a Congressional Oversight Panel in section 125. However, none of these sections appear to provide penalties or sanctions for non-compliance.

I intend to have the following questions answered:

Ms. JACKSON-LEE of Texas. Can you explain why the bankruptcy provisions were removed from the bill?

Ms. JACKSON-LEE of Texas. Without bankruptcy I offered an amendment that $10 billion dollars should be set aside so that the Department of Treasury could use those funds to address the question of individuals facing home mortgage foreclosure. I considered it important to set aside money because I wanted to ensure that Main Street received something from this bailout and not just Wall Street. Can you explain what provisions

in the bill would ensure that the monies are spent on persons in mortgage foreclosure?

Ms. JACKSON-LEE of Texas. Can we add report language indicating to the Secretary how monies are to be used when it comes to Americans in mortgage foreclosure and can we add language that the Secretary should attempt to restructure the mortgages of homeowners that are in mortgage foreclosure?

Ms. JACKSON-LEE of Texas. The Administration has labeled the current economic situation as a crisis that requires emergency measures. Because these are ''exigent'' circumstances that are in need of correction, what in the bill prevents the Secretary from using all the $350 billion by January 2009?

Ms. JACKSON-LEE of Texas. Above all, my concern is to ensure that the American people receive the relief that they deserve. If the American people are facing mortgage foreclosure, it is my desire that monies be provided to them so that they can continue to stay in their home and pay their mortgages and their bills. Everyone deserves the economic dream of owning their own home. But the financial institutions were dilatory in their responsibility to assess the borrower's ability to pay for loans and purchase a home. It was the squandering of this responsibility and preoccupation with greed and avarice that has led us to where we are today.

There are substantial improvements in the present version of the bill compared to the Bush administration proposal. However, the bill as it is presently written, in my view needs some clarification as to how it provides the necessary relief to middle-class America. Frankly, the bill provides no panacea to our present economic woes. Our markets will have the full faith and credit of the United States.

There are provisions now that address accountability measures by requiring a plan to ensure the taxpayer is repaid in full, and requiring Congressional review after the first $350 billion for future payments.

Principally, there are three phases of a financial rescue with strong taxpayer protections: reinvest, reimburse, and reform. One of the phases is to re-invest in the troubled financial markets to stabilize the markets. Another, reimburses the taxpayer and requires a plan to guarantee that they will be repaid in full. The last is to reform how business is done on Wall Street. The current legislation provides for fewer golden parachutes and, to its credit, provides sweeping Congressional oversight.

There are critical improvements to the rescue plan that yield greater protection to the American taxpayers and even to Main Street. However, with a ''pause'' we can help the financial markets and make America secure. I still have concern that there is enough in the bill to help Americans struggling with their mortgages. Is there some bright hope you can share with me to relieve me of my anxiety?

Ms. JACKSON-LEE of Texas. Chairman Frank, on many occasions, you have reiterated the concern of the American people, which we both share, the wish that this legislation had stronger and more comprehensive relief for home owners facing foreclosures. Please elaborate on your interest, willingness, and commitment for us to work together to introduce and pass stronger and more comprehensive housing foreclosure legislation in the next Congress?

Thank you, Mr. Chairman, to you and your staff, for your commitment to this issue.

Ms. ESHOO. Madam Speaker, I rise today to express my support for H.R. 1424 the Emergency Economic Stabilization Act.

Nearly two weeks ago the President presented legislation to Congress requesting a $700 billion recovery package, with the Treasury Secretary empowered to set the rules for *all* transactions. The bill included no safeguards, no transparency, no accountability, and no oversight. This plan was wrong for the American people and we rejected it.

The House, through bipartisan negotiations, completely reshaped the bill to include three crucial elements to rebuild our financial system. One, we reinvested in troubled financial markets to stabilize our economy and insulate Main Street from Wall Street. Two, we guaranteed that the taxpayer will be first in line to be reimbursed through ownership shares and asset recovery as the plan begins to work. Finally, the bill reformed how business is done on Wall Street including the prohibition of golden parachutes.

While I voted for the bill, it failed to gather the necessary votes for it to pass. Following the vote I returned home this week and saw, not only in my District, but all over the country, the negative effects of our continued inaction. Already, our commercial and consumer credit markets are drying up and if we continue to do nothing, the ability for my constituents to obtain home mortgages, car loans, student loans, loans for small businesses, or even credit cards will become highly difficult or impossible. Even more financial institutions and businesses could fail and millions could lose their pensions and retirement savings, thousands of jobs could be lost, and large parts of our economy could cease to function. The repercussions would be far greater than the cost of a financial rescue program.

Not only have small businesses and families felt the effect of the credit crunch, my home state of California is feeling it. According to our State Treasurer, Bill Lockyer, this current crisis threatens to deplete California's cash reserves. Without those reserves the state will be unable to pay teachers, first responders, or nursing care workers. Additionally, he thinks without action the state, ''. . . will be unable to sell voter-approved bonds for highway construction, schools, and housing or water projects.'' If we don't pass this bill the effects will almost immediately be felt throughout the country and the world.

H.R. 1424 includes strong independent oversight and transparency through an establishment of an independent bipartisan board to provide oversight, review and accountability of taxpayer funds. The Government Accountability Office will have a presence at Treasury to oversee the program and conduct audits to ensure strong internal controls, and to prevent waste, fraud, and abuse. There will be an independent Inspector General to monitor the Treasury Secretary's decisions in regard to this program and all transactions will be posted online for the public to review.

Rather than giving the Treasury all the funds at once, the legislation gives the Treasury $250 billion immediately, then requires the President to certify that additional funds are needed ($100 billion, then $350 billion, subject to Congressional disapproval) and there are limits on golden parachutes for executives whose companies participate in the program. We will help homeowners by allowing the government to change the terms of mortgages to help reduce the 2 million projected foreclosures in the next year. It will also assist school districts, cities and counties who held investments in failed institutions.

The bill temporarily raises the FDIC insurance cap to $250,000 from $100,000. It also includes three additional pieces of legislation that are critical to the health of our economy and our constituents. This legislation will extend tax credits and incentives that are important to encourage innovation and entrepreneurship. It extends tax benefits to the renewable energy industry. Solar and wind energy, fuel cells, and biofuels are but a few of the technologies that will benefit from the legislation that we are considering today, and they will all play a role in our nation's energy future. While I remain committed to totally eliminating the Alternative Minimum Tax, this bill includes a ''one-year fix'' that will prevent an additional 25 million American taxpayers from being subject to the AMT on their 2008 tax returns and it will reduce or eliminate the AMT obligation for 121,033 tax filers in my Congressional District. Finally, the legislation includes the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, which will provide for equity in the coverage of mental health and substance use disorders when compared to medical and surgical disorders.

The vote I took earlier this week was as tough as any I've ever taken during my time in Congress and today's vote will not be any easier. I will vote ''yes'' because I believe it's the right thing do for our country.

I believe doing nothing is a higher risk to our country and would hurt millions of Americans across the nation. I didn't come to Congress to hurt people. My ''yes'' vote is to help restore confidence in our economy, help move the country move forward, protect taxpayers, help Main Street, protect pensions, protect 401Ks, and restore our credit markets and, with no rewards for those whose greed and foolishness have so jeopardized our economy.

Mr. CHABOT. Madam Speaker, I rise in opposition to the bill we are considering today.

This week marks a critical point in our Nation's history for a number of reasons, but none more important than redefining the appropriate role for government in our market system.

There is no doubt that we must stabilize our financial markets as quickly as possible. But, in my view, asking cash-strapped Americans to pay more than $700 billion to bail out an industry, some of whom were reckless, is just wrong and sets a dangerous precedent.

We need a targeted approach to respond to this crisis. One that provides those troubled institutions with the capital they need to start lending again. Yet, we also need standards in place to hold these institutions accountable to prevent this crisis from repeating itself in the future.

H.R. 1424 sets government on a new and dangerous course. Gone are the days of personal responsibility. Gone are the days where executives are held responsible for bad decisions. Gone are the days when the market determines success or failure. After today, taxpayers will be responsible for everyone's decision.

Equally disturbing, in my view, is the fact that this legislation makes no substantive reforms to prevent a repeat of what caused this financial meltdown in the first place. Last fall, the House passed, with my full support, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act. This would have been an important step towards bringing more restraint and oversight to the lending industry. Unfortunately the Senate took no action so it never became law. Are those important reforms in this bill? No.

We have a duty to the hardworking families who act responsibly on a daily basis to be prudent with their tax dollars. I remain unconvinced that the bill we are considering today fulfills this obligation. That's why I'll be voting no.

Mr. STARK. Madam Speaker, I will be voting no on this bill. I recently read in the press that 8 out of 10 of my colleagues know nothing about economics or banking. This bill shows that account is quite right.

This bill does nothing but bail out Wall Street and large corporate America. It spends $800 billion that taxpayers will end up having to pay for and it does nothing for middle-income Americans.

Is there a crisis in this country? Yes there is. But this is not the solution for those people who have been working and trying to pay their bills.

There is not a crisis facing your average community bank which has no problem in liquidity. There is not a crisis for your credit cards—endangering their ability to work.

This rushed bailout package is nothing more than President Bush's Treasury Secretary Paulson's way to scare us as Colin Powell tried to scare us some years ago by saying if we didn't vote for an ill-conceived war, we'd see terrorists on the street.

You're getting the same kind of misinformation now—the same kind of rush to judgment—to tell you that a crisis will occur. It won't. Vote no, and let's come back and help work on a bill that will help all Americans.

Mr. MOORE of Kansas. Madam Speaker, I rise today in support of taking action to help community banks, which are an important part of our financial landscape, in Kansas and across the country.

One of the lessons learned from the current financial crisis is that financial institutions that rely on core deposits are in the best position to weather a financial storm. One thing banking regulators can do to help banks attract and retain more core deposits is to recognize that certain deposits that may technically be considered as "brokered" nevertheless function like core deposits.

This situation occurs, for instance, when insured depository institutions exchange funds, dollar-for-dollar, with members of a group of insured depository institutions, where each member of the group sets the interest rate to be paid on the entire amount of funds it places with other group members. Such an arrangement enables a member of the group to offer its customers a convenient means to obtain access to FDIC insurance on large deposits by working solely with the bank with whom the customer has a relationship. As a result, the bank is able to accept the large deposits without having to post collateral, which in turn makes more funds available to meet the credit needs of the bank's community.

Regulators could take several constructive steps within the current law governing brokered deposits. First, the FDIC could permit banks that become adequately capitalized (and therefore need a waiver from the FDIC to accept brokered deposits) to continue accepting funding through the arrangement described above while a waiver request is pending. Second, the FDIC could recognize that such finding is stable and should be permitted as a general matter when the FDIC reviews a waiver request. Third, it would be appropriate for the FDIC to exclude such funding from the category of "brokered deposits" if the FDIC elects to charge a bank a higher insurance premium due a heavy reliance on brokered deposits.

If the FDIC were to take these steps, banks—and, in particular, community banks—would be in a better position to attract and retain large deposits, thereby providing additional liquidity that the banks can use to make loans that are so vitally needed by our Nation's communities.

Mr. EVERETT. Madam Speaker, in the years since I was first sworn in to office in 1993, our Nation has faced a number of major challenges that required tough and courageous decisions. I have always believed public service to be the noblest of calling. I still believe in the concept of "citizen statesmen" as envisioned by our Founding Fathers who recognized that private citizens motivated to serve in Congress were vital to the future of our Nation. I came to Washington not as a politician, but as a businessman ready to make tough votes for the good of the country. I believe my final vote to pass the Emergency Economic Stabilization Act is such a vote.

The impact of nearly a decade of granting home loans that were doomed to fail has reached a crisis point in our economy. The combined weight of hundred of billions of dollars in low value mortgages has created an economic aneurysm that is beginning to burst and usher in the collapse of our financial markets and take with it many American jobs. The national media have repeatedly spun this dilemma as one that solely afflicts "Wall Street." This is simply not accurate.

Many Americans believe this is a cry of Chicken Little and that it is not their problem, and we should let the markets fail and let the consequences fall as they may. However, if we allow our markets to fail—no one will be insulated from the impact. Our whole economy is underpinned by the availability of credit. Without access to credit, banks fail, businesses are forced to layoff workers or close altogether, and even people with good credit cannot get loans for cars, college, new homes, or other essential needs. We are already seeing that universities are having trouble accessing their funds, municipalities are experiencing losses in property taxes since mortgage banks can not pay on foreclosed homes, and lack of availability of bonds for infrastructure and other local needs. Soon our farmers will be getting ready to start planning for next year's crop—and there is fear they will not have access to the credit necessary to plant next year's crop. We have already seen food prices increase over the last few years, and that pain will have been nothing if farmers do not have the necessary credit.

As a conservative Republican, I believe in a free market and less government intervention. However, these are extraordinary circumstances that will impact all of us. Many Americans might not have felt the effects directly yet and hopefully they will not because of the action being taken today. This legislation includes safeguards to protect taxpayers, not making the total amount of funds available at once, ensuring that there are no golden parachutes, and holding executives accountable.

I cannot leave office taking any position that is counter to the best interest of our Nation. I would have preferred to not have the Federal Government intervention, but failure to act to shore up our economy would allow far greater damage to millions of average Americans and hundreds of thousands of Alabamians. I have been honored to serve the Second District these 16 years and would never have thought one of my last votes in Congress would have been on this type of legislation. Very few things are easy in politics, and I have thought long and hard on this difficult issue, and I believe that voting in favor of the Emergency Economic Stabilization Act is the necessary thing to do.

Mr. SHUSTER. Madam Speaker, this is one of the most difficult and complex issues I have had to deal with in my 8 years in Congress. I am proud of my no vote on Monday against the original rescue plan. My no vote enabled me to push this legislation forward towards an improved and positive bill. This is a different bill. It is an improved bill.

I have pushed as far as I can and we are at the point where the only two directions we can go from here are backwards or nothing. Neither is an option.

I share the anger of my constituents that we have been forced into this economic crisis by Wall Street greed and irresponsible lending by Freddie Mac and Fannie Mae. But we cannot let our anger cloud our judgment.

Over the past 5 days, I have been hearing from more and more of my constituents who are beginning to feel the pain of the economic crisis we are entering. I am convinced that my constituents will feel that pain grow if we do not act, and that pain will be felt in job losses.

Therefore, I have decided to support this economic recovery effort. Make no mistake, this bill is a far better deal for American taxpayers than what was originally brought to the House floor. My colleagues and I fought hard to include additional taxpayer and market driven protections that will restore trust in our banks, including raising the FDIC insurance limit to protect my constituents' bank accounts. My vote is the right decision for my constituents and America, not for political popularity.

Mr. FEENEY. Madam Speaker, I would like to quote Financial Services Chairman BARNEY FRANK, author of this bailout bill, "The free market failed, it's up to government to fix the problem."

It is important that we understand the how we got here in order to address a solution to the problem. Who and what caused the subprime bubbles and the current economic crisis?

Treasury Secretary Alan Greenspan in 2005 said:

> If Fannie Mae and Freddie Mac "continue to grow . . . they potentially create ever-growing potential systemic risk down the road . . . we are placing the total financial system of the future at substantial risk."

During a Financial Services Committee legislative markup on May 24, 2005, the Hensarling/Feeney Amendment was offered to protect taxpayers from crushing bailouts of Fannie Mae and Freddie Mac.

The Hensarling/Feeney Amendment established a new regulator to:

(1) repeal the Congressional charters of Fannie Mae and Freddie Mac

(2) create a bank-like secondary mortgage market, and

(3) establish new charters for limited purpose mortgage securitization entities that could be auctioned off competitively.

I voted YES but the Democrats unanimously voted NO and killed reform and taxpayer protection.

Why?

Leading Democrat BARNEY FRANK said in 2003:

These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis.

The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.''

After billions in accounting scandals at both Fannie Mac and Freddie Mac, BARNEY FRANK said in 2004:

I don't see anything in your report that raises safety and soundness problems.

I have seen nothing in here that suggests the safety and soundness are an issue. And, I think it serves us badly to raise safety and soundness as kind of a general [inaudible] when it does not seem to be an issue.

Democratic leader MAXINE WATERS said:

Through nearly a dozen hearings that we were, frankly, trying to fix something that wasn't broke. Mr. Chairman we do not have a crisis at Freddie Mac, and in particular Fannie Mae under the outstanding leadership of Mr. Frank Rains.

I also voted in 2005 to cut off a $2 billion line of credit from U.S. taxpayers to Fannie Mae and Freddie Mac.

Today, the same people who protected the corrupt and out-of-control Fannie Mae and Freddie Mac are proposing a $700 billion bailout of Wall Street speculators.

BARNEY FRANK and other Democratic leaders revised the Community Reinvestment Act in 1995, forcing Fannie Mae and Freddie Mac, and all American lenders to make risky loans to people in poor communities. Loans were given regardless of the borrower's ability to pay!

And, ACORN, a corrupt left wing ''community group'' engaged in extensive voter registration fraud across this country, was given taxpayer money to extort banks and lenders into making more bad loans.

Taxpayer money was used to browbeat lenders to make non-creditworthy loans.

Since the economic credit crisis began, we were told by Secretary Paulson and BARNEY FRANK that:

1. The $152 billion ''stimulus'' package would resolve the American economic problem. (I predicted it is a silly ''rain dance,'' having no long term stimulus)

2. The Bear Stearns taxpayer bailout would resolve the credit crisis.

3. The Fannie/Freddie bailout in July would totally resolve the financial crisis and the U.S. Treasury would not have to take over Fannie Mae and Freddie Mac. (I voted no and predict bigger problems for America)

4. The federal government takeover of AIG, the largest insurer in America, would end this global crisis.

The current $700 billion bailout, touted by Treasury Secretary Paulson and Chairman BARNEY FRANK, fixes none of the fundamental structural problems the federal government is responsible for.

Buying troubled assets on Wall Street balance sheets does NOT stimulate American banks on Main Street in Central Florida to increase lending and credit.

It adds short term money, which banks will HOARD, as they are required to increase reserves and make fewer loans to healthy consumers and businesses.

It does NOT privatize Fannie Mae and Freddie Mac.

It does not repeal the community Reinvestment Act.

It creates a huge new bureaucracy which may control lending in America and become the largest leap toward socialism in my lifetime.

What we must do (now or later) to save American freedom and our economy.

1. Stop naked short selling of bank stocks—Predatory investors, including foreigners, sell stocks they don't own to drive down the price of the stock, which they can later buy cheaper and profit.

This kills bank equity and forces banks to stop making loans in order to meet material reserve requirements.

2. Guarantee bank deposits in excess of $100,000 and bank creditors—This will bolster bank share prices and lead to more immediate lending to families and small businesses.

3. Issue guaranteed network certificates in exchange for bank promissory notes—This will get banks to save lending restrictions and give them time to work through the real estate mess.

4. End ''mark to market'' accounting rules—Banks and institutions that hold packages of securitized mortgages cannot sell those packages because in this environment there are NO buyers. But those mortgages are secured by real estate worth some value, even if it is not 100 percent of the loan value.

These mortgages are not worth zero, just because there is no market to buy them during this crisis. Banks have to count such mortgage holdings as ZERO asset reserves. Every dollar a bank counts as reserves would result in $10 in lending ability today.

Mark these assets at ''fair market value.''

5. Jump start private purchase of mortgage securities—Don't buy $700 billion in troubled mortgage securities with taxpayer money. have an auction for private investors using private money to make such purchasers. To start buyer activity, grant buyers a zero percent capital gains tax—not the 28 percent tax Senator OBAMA proposes, but 0 percent.

Most mortgages will be purchased without any taxpayer exposure.

6. Establish a privately funded insurance model for mortgage backed securities—Holders of these securities would pay risk-based premiums to fully fund a guarantee of asset values, without taxpayer exposure.

7. Unleash the American Economy—Immediately pass comprehensive energy policy that will put hundreds of billions of dollars into the American economy overnight.

Congress should pass free trade legislation including agreements with Columbia, Panama, and South Korea to help American exporters.

Without delay, Congress should kill the built-in Democrat tax increases which are scheduled to raise taxes on Florida families by $3,040 a year.

Finally, the Paulson/Frank bailout bill raises the Federal Government's debt to $11.3 trillion—a 26 percent increase. In the less than two years Democrats have controlled Congress, the national debt has jumped over $8,000 for every man, woman, and child in America. Can we afford two more years of that behavior?

Mr. LANGEVIN. Madam Speaker, we are meeting today to again consider the Emergency Economic Stabilization Act—a critical piece of legislation, but one that none of us look forward to voting on. During this difficult economic crisis, I am proud of this Congress for coming together at a crucial moment to reach a bipartisan compromise to rescue not only our financial markets but our entire economy. However, no one is celebrating today about the tough decisions that had to be made.

Over the last two weeks hundreds of Rhode Islanders have contacted my office expressing serious concerns about the proposal and a firm belief that the taxpayers' needs must be a priority. I share their anger and frustration that for far too long, many on Wall Street were given carte blanche to make increasingly risky investments—investments which, in some cases, the firms themselves didn't even fully understand. There is plenty of blame to go around, from Wall Street and mortgage lenders to government regulators and Congress. Unfortunately, the actions of these firms do not take place in a bubble: they are inextricably linked to the every day transactions of every day American families. Our economy is in dire shape and drastic action is needed. If we do not act now, a domino effect could easily trigger major job losses and a significant period of economic downturn with negative consequences not just on Wall Street, but on every street in our country.

This crisis originated with faulty lending practices and the creation of subprime mortgages made to people who often could not afford to pay them back. These subprime mortgages were then pooled together into packages that were transformed into highly-rated securities purchased around the world. The eventual collapse of the subprime mortgage market infected the prime mortgage market, which in turn poisoned the entire financial system. In response, Treasury Secretary Hank Paulson proposed a plan under which the Federal Government would buy—at a deep discount—so-called ''toxic'' assets, which currently no one is willing to buy. These assets include home mortgages which have been bundled into such complex packages that there is great uncertainty about their underlying value. Secretary Paulson considers these purchases to be investments by the federal government, which could return a substantial proportion of their value to American taxpayers once the market has settle down.

I recognize the urgency of the situation and understand that Secretary Paulson and all responsible government leaders are trying to ward off even worse outcomes. This year, we have seen the fall of some of the largest investment banks in the world—Bear Stearns, Lehman Brothers, and Merrill Lynch—and the last two standing—Morgan Stanley and Goldman Sachs—last week chose to be switched over to commercial banks, seeking greater protection at the price of greater regulation. Meanwhile, the federal government loaned $85 billion to American International Group, Inc., AIG, the 18th largest company in the world, when it was unable to access credit for its daily operations. On September 26, we also saw the biggest bank failure in our country's history when Washington Mutual collapsed. One week later, Wachovia had been bought out by another bank. Even Bank of America recently decided it would no longer extend new lines of credit to McDonald's franchisees, which have been turning a profit for years and run a clean balance sheet.

When the credit market seizes up at the highest levels, it is not just a problem for Wall

Street. It quickly impacts all of us, making it harder for average families to secure car loans, home loans or mortgage refinancing. It means that small business owners can't access the quick capital they need to make payroll or invest in their companies. It impacts the student loan market, where more than 50 firms have abandoned or cut back their student loan programs. And it threatens the pensions and savings that our retirees are counting on. While no one wanted to be in this position, I do believe that passing this rescue plan is essential for Rhode Island families.

However, I have been vocal about my own concerns with the Administration's original proposal, and early on I outlined priorities that must be included in any bill I would be able to support. I am pleased that the legislation before us today is a vast improvement over the initial plan Secretary Paulson presented, and it contains significant protections for families across the country who had nothing to do with creating this crisis but are feeling its effects in many ways. First, this bill protects taxpayers by requiring strong Congressional oversight over expenditures under the plan; giving taxpayers a share of profits in participating companies; and requiring a President to ensure taxpayers are repaid in full, with Wall Street making up any difference. Furthermore, we have endured that CEOs do not benefit from risky behavior by severely limiting executive compensation and "golden parachute" packages for any firms that take advantage of the government assistance. Finally, the bill requires the government to implement a plan to reduce foreclosures as it buys troubled financial assets like mortgage backed securities.

At its core, H.R. 1424 authorizes $700 billion for the Treasury Department to buy distressed mortgage-backed securities, expiring on December 31, 2009. Of that total, $250 billion would be for immediate release, with another $100 billion upon a presidential certification of need. The final $350 billion could be made available if the president transmits a written report to Congress requesting the funds, and Congress would have the right to disapprove this last installment. Spending authority would be overseen by a new Financial Stability Oversight Board, which will review the Treasury Department's actions and its effects on the financial markets and the housing market, and by a special inspector general office to conduct and supervise audits and investigations of the actions taken under this bill. Treasury must also report to Congress 60 days after it begins using this authority, and every 30 days thereafter.

Furthermore, H.R. 1424 establishes a joint congressional oversight panel to review the current state of the financial markets and the regulatory system. This panel will submit a report on the current regulatory system and its effectiveness at overseeing the participants in the financial system and protecting consumers. This provision is critical, since going forward, we must ensure that our financial sector is no longer allowed to put ordinary Americans in danger by pursuing high-risk behavior with little to no oversight. We must investigate companies that took advantage of lenient regulation or possibly acted outside of federal regulations entirely. And we must learn from our mistakes, establishing new regulations and ensuring the laws already on the books are enforced.

Madam Speaker, in just the four days since the House defeated the original economic recovery bill, we have already seen clear signs of what awaits our country if we do not take action today. Within hours after that first vote, the Dow Jones Industrial Average lost nearly 800 points, its biggest point drop in history. The markets have remained shaky, threatening the financial holdings and retirement savings of millions of American families. Meanwhile, anxiety continues to rise in industries across the country, from agriculture to manufacturing. Countless businesses, small and large, are having trouble securing credit for everyday operations and they are terrified of what the future might hold. Car loans are becoming more expensive, mortgages more difficult to obtain. And on Monday, Wachovia limited the access of nearly 1,000 colleges and universities to their own funds invested with the bank.

These are troubling warning signals of the potential for real economic catastrophe if we do not come together as a Congress and show the real leadership on difficult issues that our constituents expect. This is not an easy vote for any of us, but I am convinced that it is the right one. I know it is not a perfect bill, but rarely is there a perfect solution to such a complex and troubling set of problems. I believe the revised measure before us today is somewhat improved over the original version, largely due to the inclusion of an increase in FDIC coverage for bank accounts from $100,000 to $250,000. Unfortunately, I am disappointed that the tax extenders legislation—which I was happy to support when its costs were fully paid for—has been added to this bill without sufficient offsets. Nonetheless, I will again cast a vote in favor of this package because it is too important to fail again.

Madam Speaker, let me close by assuring my colleagues and my constituents that if I thought the bill before us today was nothing more than a hand-out to high-flying Wall Street investors who suddenly found themselves in trouble and decided they didn't like losing money, I would be the first in line to cast a no vote. Unfortunately, this problem is much bigger and much less selective about whom it might hurt. We need to take action, and we need to do it now. This legislation represents a good, bipartisan solution to a situation none of us wanted to find ourselves in. I want to thank speaker PELOSI, Chairman FRANK and many other colleagues for their tireless work on this bill. I encourage all my colleagues to vote for this bill.

Ms. RICHARDSON. Madam Speaker, I rise in support of H.R. 1424. I want to commend Chairman BARNEY FRANK of the Financial Services Committee for his hard work, leadership, insight, and guidance throughout this process.

The Congress and Senate did not come to the decision of supporting this legislation lightly. All of my colleagues on both sides of the aisle participated in numerous Caucus meetings and conference calls with Secretary Paulson, and Federal Reserve Chairman Bernanke. We took into consideration the views of renowned economists, and we considered numerous legislative proposals. After much deliberation we came to the conclusion that this legislation was the best bipartisan effort to contain strict oversight to prevent repeating this crisis, limit executive compensation, initiate provisions for mortgage stabilization, and ensure protections that taxpayers deserve.

This legislation is a rescue plan. Main Street is hurting because small businesses do not have access to credit, which they depend on to cover the cost of their daily operations, including payroll. Likewise parents and students cannot get student loans, so it is clear that the financial crisis is hitting every street corner in America.

Perhaps what has been lost in this debate is the effect that this crisis has had on our municipalities and local governments. Many of these municipalities and local governments had their investments tied to these Wall Street institutions. In California public entities have at least $300 million at stake; in fact San Mateo has lost $150 million. If our local governments fail, they will not be able to provide the most basic services (i.e.—police & fire services, trash collection, and education).

I recognize that this is a difficult decision for many of my colleagues. Historians have said these are dire times only second to the Great Depression. I urge my colleagues to act now, and support this critical piece of legislation that will stabilize our residential neighborhoods, small businesses across this country and our economy.

Mr. COSTELLO. Madam Speaker, four days ago I voted against the historic $700 billion bailout legislation proposed by President Bush and Treasury Secretary Paulson. It seemed clear to me that the message sent by that bill's defeat was that we needed to slow and consider other alternatives to deal with the problems facing our economy. Numerous professional economists and other experts, including William Isaac, former head of the Federal Deposit Insurance Corporation, FDIC, have said that we could provide the confidence the credit markets need in other, less expensive ways.

Unfortunagtely, that message fell on deaf ears. The Senate leadership took the Bush/Paulson proposal and added $100 billion in tax breaks and other so-called incentives. While I do support expanding FDIC insurance limits to $250,000, I do not see how making a $700 billion bill an $800 billion bill benefits our economy. What these additions cannot do is hide the fact that at its core, this bill is the same as the one the House rejected Monday, and I will vote against it.

Madam Speaker, I understand that many Americans are uneasy about the state of our economy. I share their anxiety. But I am equally anxious about the long-term ramifications of this legislation. I think it is highly possible that this bill will make our economic problems worse in the long run. While we should take action, we should act prudently and with a thorough review of our options. We have failed to do this, and I cannot vote to expend $800 billion in taxpayer dollars without absolute confidence in the course being taken. I will again vote no.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 1424, the Emergency Economic Stabilization Act of 2008, as amended by the Senate. Today, the United States faces the most significant financial crisis since the Great Depression. Homeowners, small businesses, retirement savings plans, and community banks—American people from every walk of life—are put at risk by the turbulence in our financial sector. This bill puts us on the right path to recovery for our economy.

If there was any question whether action is necessary, one needs to look no further than

the stock market reaction to Congress' inaction on Monday. Leading up to that vote, I spoke with the leaders of some of North Carolina's local and state banks and credit unions about the effect of this crisis on the communities they serve. While I wish that this action was unnecessary, the financial system's problems call for strong steps. If lending does not resume, Americans will be unable to grow their small business, buy a car, pay for college, or buy a home. Without action, this financial crisis will threaten the entire American economy.

Like the bill we voted on earlier this week, H.R. 1424 is a vast improvement over the blank check that the Bush Administration originally proposed. This bill contains key provisions, negotiated by Democratic leaders in Congress, to ensure this bill benefits Main Street. As I demanded when an economic recovery plan was first proposed, this bill protects taxpayer money, provides help for struggling homeowners, prevents Wall Street CEOs from gaining a windfall at taxpayer expense, and provides the accountability and oversight that have been missing. While it contains strict oversight provisions, the plan also contains the flexibility needed to address a problem of this magnitude.

First and foremost, this plan protects taxpayer money. Democratic leaders made sure that the public will share in the benefit of the economic relief provided by adding provisions that allow taxpayers to share in profits if a financial institution we invest in grows healthy in the future. To ensure Main Street is not left with the bill for Wall Street's problems, H.R. 1424 calls for a plan to require financial institutions to repay any losses to the government in the future. I am also pleased that this bill now temporarily increases the amount of money insured by the Federal Insurance Corporation from $100,000 to $250,000 for one year. This provision insures taxpayers' savings and boosts public confidence in our banks. Finally, H.R. 1424 looks after the taxpayers bottom line by requiring that any profit resulting from this plan be used to reduce the growing national debt.

In order to further ensure that assistance benefits Main Street, the Emergency Economic Stabilization Act of 2008 will help ensure those who have been hurt by the economic downturn and predatory lending practices can remain in their homes when possible. The bill authorizes new loan guarantees and credit enhancement to prevent foreclosures, and requires a plan to encourage mortgage servicers to modify loans through the Federal Housing Administration's Hope for Homeowners and other initiatives.

H.R. 1424 makes sure that Wall Street executives do not profit excessively from the government assistance provided. It includes limits on executive compensation and golden parachutes not only for institutions that the government buys, but also for those holding loans that are supported by this bill. It holds executives accountable for statements they have made about their company's financial strength, forcing those promise gains that later turn out to be false or inaccurate to repay the taxpayer.

Congress has also increased oversight and transparency in this bill. Rather than providing $700 billion in one lump sum, H.R. 1424 authorizes an initial $250 billion so that we can see how the plan works. Another $100 billion is available with Presidential notification, and the remaining $350 billion requires Congressional action to be released. H.R. 1424 requires public disclosure, within two days, of purchases made by the Secretary, and provides a strong oversight board with authority over the Treasury Secretary's actions. Additionally, H.R. 1424 establishes an independent Inspector General to monitor the use of the Secretary's actions. Additionally, H.R. 1424 establishes an independent Inspector General to monitor the use of the Secretary's authority. Given the extent and range of the problems in our financial markets, it is critical that the Treasury Secretary have a variety of tools to address these problems. H.R. 1424 includes a Republican proposal that gives the Treasury Department the option to guarantee companies' troubled assets, including mortgage-backed securities, purchased before March 18, 2008, with insurance that is paid for through risk-based premiums paid by the financial industry.

The Emergency Economic Stabilization Act of 2008 also provides tax relief for millions of Americans while spurring business investment and innovation in renewable energy. While we support the financial system that enables our families and businesses to grow, we should also address the tax burden they face.

H.R. 1424 includes critical tax relief for families facing the Alternative Minimum Tax, AMT. The AMT was originally intended to ensure that the nation's wealthiest taxpayers were not able to avoid paying taxes altogether. However, because the AMT is not indexed for inflation, today millions of middle income Americans who pay their taxes as required would see a huge tax increase. H.R. 1424 raises the exemption limits and protects 25 million middle-class families across the country, including more than 30,000 taxpayers in my district, from this extra tax.

The Emergency Economic Stabilization Act of 2008 will benefit the families of millions of children by expanding the child tax credit to those earning $8,500 a year in 2009. This bill also helps families by extending the state and local sales tax deduction, and will help over 4 million families better afford college by providing a tuition deduction. As a former superintendent of schools, I am pleased that this legislation includes a tax deduction that will save money for more than 3 million teachers when they pay for classroom supplies and expenses. The bill also includes an additional $400 million for Quality Zone Academy Bonds to help states and localities address school construction and renovation needs.

This bill provides critical support in the form of tax breaks and incentives to the small businesses that form the backbone of our economy. This bill extends the Research and Development Tax Credit for two years to spur American innovation and business investment as well as a two year extension of the 15-year straight-line cost recovery for leasehold improvements and qualified restaurant improvements.

Developing alternative energy sources and reducing our dependence on foreign oil is one the most critical challenges facing our country. H.R. 1424 will increase the production of renewable fuels and renewable electricity, and encourage greater energy efficiency. This bill features an eight-year extension of the investment tax credit for solar energy and a multi-year extension of the production tax credit for other sources of alternative energy like biomass, geothermal, hydropower, and solid waste. With millions of Americans struggling to afford rising gas prices, H.R. 1424 includes tax incentives for the installation of E–85 pumps for flex-fuel vehicles, and a $3,000 tax credit toward the purchase of fuel-efficient, plug-in hybrid vehicles. There are also incentives for incorporating energy conservation in commercial buildings and residential structures. The energy provisions in H.R. 1424 will help create and preserve more than 500,000 good-paying green collar jobs at a time when our economy is struggling and unemployment is at a five-year high.

Finally, H.R. 1424 contains language I have supported to expand access to mental health care for all Americans. My home state of North Carolina was one of the first states to adopt a mental health parity law back in 1991, and last year the State Legislature expanded and strengthened its mental health parity provisions. I support the efforts of North Carolina's mental health professionals in bringing this issue to the forefront of our State's agenda, and I am pleased that we are following suit today in passing this bill. H.R. 1424 simply requires those insurers or group health plans who do chose to cover mental health to do so on an equal basis with other covered health needs. This will ensure that those in need can get the treatment that is medically necessary, without creating an undue hardship on employers or insurers. As health care consumes an increasing percentage of America's income, it is critical that we provide support for all medical needs.

I support H.R. 1424, Emergency Economic Stabilization Act of 2008 as amended by the Senate, and I urge my colleagues to join me in voting for its passage.

Mr. DICKS. Madam Speaker, amid the sharp debate over the Emergency Economic Stabilization Bill being considered this week in Congress we have heard dire predictions from both extremes warning of a financial Armageddon if we don't approve the bill or of squandering billions of taxpayer dollars if we do. Beyond the intense rhetoric though, there is a growing body of evidence of serious impacts in every American community this month as the shrinking credit market has already affected consumers' ability to buy cars, purchase inventory for their businesses, afford college loans, and obtain home mortgages.

And it's only going to get worse until Congress takes some action that will have a direct effect on the credit markets and on our confidence in the integrity of the U.S. banking system.

Unfortunately in the search for an appropriate remedy, I fear that ''perfect'' may have become the enemy of ''good.'' Warren Buffet put it bluntly in an interview when he was asked his opinion of the legislation we're considering this week. He said ''I don't think it's perfect, but I don't know that I could draw one that's perfect. I would rather be approximately right than precisely wrong. And it would be precisely wrong to turn it down.''

The Gallup poll conducted this week for USA TODAY indicated that more than half of all Americans—56 percent—say their financial situation has already been harmed by the financial meltdown of the 2 weeks, with 20 percent of our population saying they have been seriously harmed. The longer term outlook is even more gloomy.

In Washington State, the failure of one of our biggest banks—Washington Mutual—last week has been a local reminder of the gravity of this crisis, as was the Wachovia failure a few days later. Thousands of financial industry employees, including Washington Mutual employees in the Puget Sound area, will likely lose their jobs in this collapse, which has largely resulted from bad decisions made by executives that most Americans consider to be grossly overpaid. It's understandable for Americans to be angry and to oppose any direct bailout of Wall Street.

But a lot of the people who are being hurt by this crisis today are not overpaid bankers or stock market executives. They are working class families in our towns whose small businesses can't get credit for inventory or payroll and people down the street who are not able to obtain a car loan to replace a broken down automobile.

Economists remind us that auto sales are typically one of the first indicators of economic trouble. Last month, car sales dropped by 27 percent from September 2007, the slowest pace of auto purchases since 1991. The chief economist at J.D. Power and Associates, Bob Schnorbus, estimates that the credit crunch alone is responsible for more than 40,000 people being denied loans every month. And as the crisis has deepened in recent weeks, even people with good jobs and credit are having difficulty arranging auto financing.

The financial disruption is also affecting student loans—the primary way through which we as a nation open the doors of higher education to middle and lower class Americans. The buyout of Wachovia has limited the access of nearly 1,000 colleges to $9.3 billion the bank has held for them in a short-term investment fund. Many of these schools are struggling to meet their payrolls and other commitments, including scholarships, as we start another school year.

Over the longer term, if credit contracts further, so will the availability and affordability of student loans. If it closes the doors of higher education to American kids, this short-term financial crisis has the potential to result in a long-term loss of competitiveness in the global marketplace.

Small businesses are also feeling the burden. As my colleagues know, small businesses account for roughly half of the nation's total economic output and employ about 40 percent of the total U.S. workforce. The chief economist for the Small Business Administration noted in an interview this week that these businesses are either being denied capital to grow and add jobs or they are simply afraid to seek capital because they are scared of the direction of the economy. More than anything else, cutting off capital to small businesses will be an enormous drag on the economy and job creation over the long term.

The credit squeeze is already having a downstream impact on our economy. Consumer spending this quarter appears to be declining for the first time in 17 years. Last month, unemployment reached a 5-year high—6.1 percent—and new filings for unemployment hit the highest level since just after the September 11th attacks. Factory orders are down, and manufacturing activity has fallen to the lowest level in seven years.

Two major employers in the rural areas in my district—Port Townsend Paper and Grays Harbor Paper—are victims of this loss of confidence. These firms, both critical to employment in their respective cities, have stated that they are already taking steps to protect themselves from a recession, holding off on investments and new hires as they prepare for a decline in sales.

So with mounting evidence that the impact of this crisis is being felt well beyond Wall Street, I am supporting this bill. I am not doing so in order to boost the salaries of Wall Street executives, but so that janitors and nurses and secretaries and teachers and car dealers in my district can keep their jobs. I am supporting this bill so that kids and their parents will still have the access to affordable loans to go to college—an advantage I had as a young man.

I am not suggesting this is a perfect solution. But like Warren Buffet, I would rather be approximately right than precisely wrong. And I am absolutely convinced that we must take action very soon before the credit crisis deepens and before it affects the lives and livelihoods of even more of our friends and neighbors. The time to act is now. This is the only option before us. We must pass it.

Mr. MEEK of Florida. Madam Speaker, my constituents didn't cause this economic mess, but if our action to this crisis is inaction, they would disproportionally bear the brunt of this financial meltdown. The credit market would severely tighten, preventing consumers with excellent credit scores from purchasing a new automobile, sending a son or daughter to college, or refinancing their mortgage to avoid foreclosure. Pension funds would erode, putting senior citizens from our community in an impossible financial situation. Layoffs would be felt throughout south Florida, and inflation would erode buyers' purchasing power. The Department of Labor reported today that the American economy lost 159,000 jobs in September, bringing the total number of jobs lost in 2008 to 760,000.

A Wall Street banker will never bear the brunt of this economic downturn like a small business owner, high school teacher, or law enforcement officer struggling to get by in this economy. To stabilize our economy and insulate Main Street from Wall Street, we must reinvest in the troubled markets, reimburse the taxpayer by requiring the plan to be repaid in full, and reform how business is done on Wall Street by enacting strict oversight measures and limiting excessive compensation for CEOs and executives.

Florida is ground zero for the housing foreclosure crisis, and this legislation provides property tax relief for up to 30 million homeowners nationwide and allows the Government to now work more directly with loan service providers to make problem loans more affordable.

I have significant reservations about this financial recovery legislation, as do many of my Democratic and Republican colleagues. This is a vote that I did not cast lightly, but knowing that families, retirees and small business owners were suffering along Main Street, I was left with no option but to support the package.

Mr. THORNBERRY. Madam Speaker, deciding how to vote on this issue has been among the most difficult votes I have cast in Congress. The economic condition and well-being of every American will be affected.

I continue to be uncomfortable with the degree of government intrusion into our economy that this bill would authorize. I also continue to be concerned about the economic consequences to all Americans if some sort of action is not taken. It is balancing those two positions that make this vote an extremely difficult one.

The bill is better now than it was earlier. The increase in the amount of deposits that can be insured by the FDIC will help bring significantly more capital into all banks—those that are troubled and those who have not made the risky loans that precipitated this crisis. The SEC announcement "clarifying" the mark-to-market accounting rules could help unleash billions of dollars that were sidelined. Both of these changes will help bring more private capital into the system so that the entire burden of stabilizing troubled institutions does not fall on the taxpayers.

If the asset purchase program is managed competently, the cost to the taxpayers should be far less than the $700 billion authorized, as both the Office of Management and Budget, OMB, and the Congressional Budget Office, CBO, have said.

The other major consideration for me is that if this bill does not pass, a far worse bill probably will. I would like to write this bill differently and to have other options considered. I have little doubt, however, that if this improved bill does not pass today, the next bill will veer to the left in an attempt to attract more Democratic votes and will result in more government intrusion and a higher cost to the taxpayers.

As I weigh my concerns about the level of government intervention with my concerns for the economic consequences of inaction or of a far worse bill, I have decided that it is in the best interests of the Nation for this bill to pass so that hopefully the economic recovery can begin.

There is a crisis of confidence in our credit system, and there is a real danger that if it spreads, Americans all across the country will not be able to get car loans, home mortgages, or loans to operate their businesses. There is even a danger that some may not be able to withdraw their money from various retirement accounts. The result could be a severe recession, greater unemployment, and consequences that all Americans will feel.

It is likely that the United States will face more economic problems in the days ahead even with this bill. We will never know what bigger problems might be averted. But, in my view, the potential consequences of not acting outweigh the deep reservations I have about this proposal.

I understand that any measure will be somewhat unfair in that those who took the excessive risks and made unwise decisions will be protected from the full consequences of their decisions. Unfortunately, some degree of unfairness is inevitable, but calculations of fairness must also consider what is best for the whole country.

Finally, a tax bill was added to this measure. It would have been better to have kept the two bills separate. I strongly support extending current tax law so that Americans will not face a tax increase, which would be a huge blow to economic growth. However, I am not pleased with the numerous special interest tax provisions that are included and are exactly the kind of thing that understandably frustrates the American people about their government.

A former minister in my home church used to say that "Sometimes you have to put aside

your principles and do what's right.'' I believe at this extraordinary time passing this flawed bill is the right thing to do.

Mr. CLYBURN. Madam Speaker, I rise today in strong support of the Emergency Economic Stabilization Act of 2008 and believe this bill must be enacted as soon as possible to stop our country from falling deeper into recession. Today, Madam Speaker, we were informed that our economy lost jobs for the ninth month in a row. This brings the total jobs lost this year to 760,000. But, Madam Speaker, jobs are not the only thing Americans across this Nation are losing; they are losing their hold on the American Dream. That dream, Madam Speaker, is upward economic mobility and home ownership. Nowhere is this problem more acute than in minority communities.

Madam Speaker, this bill is about more than Wall Street; it is about Broad Street and Walker Street. It is about grocery stores, beauty salons, barber shops, community banks, and automobile dealerships.

Madam Speaker, minority communities are hemorrhaging jobs, homes, income, and most importantly, credit. Consider this fact, African Americans received 35 percent of the subprime purchase loans issued from 2004–2007; of these loans 62 percent of them will reset to a higher rate by the end of 2008. Many of these homes' values have dropped by 25 percent, access to refinancing credit is no longer available, and their pension plans have lost substantial value. These dynamics are debilitating to minority businesses and communities.

These powerful and destructive economic forces coupled with a lost of liquidity on Wall Street have led to the greatest reduction of wealth in the minority community since the Great Depression.

That is why I am here today. I believe this bill must pass. We must ensure that the minority communities do not just survive but thrive.

Mr. CARNAHAN. Madam Speaker, I rise today in support of the Emergency Economic Stabilization Act 2008 for a second time.

Thousands of my constituents in Missouri have contacted me to share their anxiety and anger about the financial crisis we are facing. I too am angry about the current economic crisis in our country—angry about those who caused it and those who have bungled solutions.

Year of de-regulation of the financial markets, coupled with lax oversight by the Bush administration of these institutions, has had devastating effects on the lives of many Missourians.

I strongly opposed the original Bush/Paulson Bailout Plan that was basically a blank check with no accountability for an industry that made poor decisions. But the risk of taking no action is too great and too dangerous for our economy, and the financial stability of all Americans.

We must pass this legislation, even with its imperfections, to unlock the credit market that is essential to both individuals and businesses. Without a properly functioning credit market, small businesses, the backbone of Missouri's economy, risk not making payroll. Americans will have increasing difficulty obtaining car loans, home loans, farm loans, student loans, as well as other forms of credit upon which we all rely.

I have heard from many Missourians concerned about the effect of tightened money-lending standards. From the hardworking couple just about to retire who have watched the value of the retirement savings dramatically decline over the past month to the family who needs to buy a new car but cannot qualify for a loan because of the freeze in the credit market.

The economic downturn is also hitting our small businesses. In my hometown of St. Louis, Feld Chevrolet, a St. Louis leader for over 27 years, has shut its doors because the lender stopped financing the dealership's inventory.

Stories like these make it clear we have a responsibility to act before the credit crisis further undermines our economy.

Without decisive action, most economists have noted that the situation will only worsen, credit markets will freeze, Main Street will suffer, and Missouri families will struggle.

My constituents as well as yours will not be able to make basic home and car loans. Small businesses will not be able to make their payrolls, and credit card interest rates will soar.

The legislation before us today is a vast improvement over the original proposal put forward by the Bush administration, which gave unprecedented and unchecked authority to the Secretary of the Treasury to spend $700 billion. We have made it clear that Congress does not write blank checks to Wall Street.

This legislation will require the Government to develop an emergency line of credit to reduce foreclosures as it buys troubled financial assets, allows the Government to purchase other types of mortgages to unfreeze the credit market, and allows the Government to purchase certain troubled assets form pension plans to ensure individual retirement security.

This bipartisan proposal will help insulate the American people and Main Street from the crisis on Wall Street as we stabilize the markets. It will also, protect taxpayers by ensuring public investments reap any profits and the financial industry is responsible for any short fall and it ends excess compensation for executives of participating financial institutions.

Following, the House vote last Monday, the stock market plunged an historic 777 points, costing the American economy $1.2 trillion. Americans across the country saw their 401Ks, pension plans and savings account lose value. This was a loud wake up call that we must take swift and decisive action.

The legislation we are considering today is no longer focused on just a bailout of Wall Street; more importantly it is a buy-in so that we can turn our entire economy around and help hard working Americans.

In no way are we out of the woods. Times are and will continue to be difficult, but I believe passage of this bill can help us get back on track and help prevent our economy from spiraling out of control. These times will certainly demand additional steps and common sense leadership to get America back on her feet again.

I urge my colleagues to vote for this bill.

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

Pursuant to House Resolution 1525, the previous question is ordered.

The question is on the motion by the gentleman from Massachusetts (Mr. FRANK).

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

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on suspending the rules and passing S. 3197.

The vote was taken by electronic device, and there were—yeas 263, nays 171, as follows:

[Roll No. 681]

YEAS—263

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
DeLauro
Dent
Dicks
Dingell
Donnelly
Doyle
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Granger
Green, Al
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Higgins
Hinojosa
Hirono
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McGovern
McHugh
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Myrick
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Perlmutter
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sessions
Sestak
Shadegg
Shays
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)

Thornberry
Tiberi
Tierney
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

NAYS—171

Aderholt
Akin
Altmire
Bachmann
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Boyda (KS)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Capito
Carney
Carter
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Conyers
Costello
Courtney
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Duncan
English (PA)
Feeney
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Gene
Grijalva
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinchey
Hodes
Holden
Hulshof
Hunter
Inslee
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
King (IA)
Kingston
Kucinich
Lamborn
Lampson
Latham
LaTourette
Latta
Linder
Lipinski
LoBiondo
Lucas
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McDermott
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Napolitano
Neugebauer
Nunes
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Price (GA)
Rehberg
Reichert
Renzi
Rodriguez
Rogers (MI)
Rohrabacher
Roskam
Rothman
Roybal-Allard
Royce
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Scott (VA)
Sensenbrenner
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Smith (NE)
Smith (NJ)
Stark
Stearns
Stupak
Taylor
Thompson (MS)
Tiahrt
Turner
Udall (CO)
Udall (NM)
Visclosky
Walberg
Walz (MN)
Westmoreland
Whitfield (KY)
Wittman (VA)
Young (AK)
Young (FL)

□ 1322

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 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. 4010. An act 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''.

H.R. 4131. An act to designate a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway''.

H.R. 6197. An act to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the ''Pickwick Post Office Building''.

H.R. 6558. An act 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''.

H.R. 6834. An act 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''.

H.R. 6902. An act 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''.

H.R. 6982. An act to designate the facility of the United States Postal Service located in 210 South Ellsworth Avenue in San Mateo, California as the ''Leo J. Ryan Post Office Building''.

The message also announced that the Senate has agreed to without amendment a House Joint Resolution and House Concurrent Resolutions of the following titles:

H. J. Res. 100. Joint resolution 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.

H. Con. Res. 378. Concurrent resolution expressing support for designation of September 6, 2008, as Louisa Swain Day.

H. Con. Res. 426. Concurrent resolution recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative.

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

S. 2579. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today.

S. 3521. An act to designate the facility of the Unites States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

S. 3625. An act to designate the facility of the United States Postal Service located at 245 North Main Street in New York City, New York, as the ''Kenneth Peter Zebrowski Post Office Building''.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individual to the Congressional Award Board:

Kathryn Weeden of Washington, D.C.

## NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 3197, 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.3197.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 682]

YEAS—411

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
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
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
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
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
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)
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)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
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.
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
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)

NOT VOTING—22

Bilbray
Carter
Cubin
Everett
Gallegly
Gilchrest
Gingrey
Gohmert
Harman
Hastings (FL)
Hobson
Kingston
LaHood
Marchant
McCrery
Miller, George
Pickering
Sanchez, Loretta
Sires
Stark
Sutton
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1329

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.

A motion to reconsider was laid on the table.

## STEPHANIE TUBBS JONES ORGAN TRANSPLANT AUTHORIZATION ACT OF 2008

Ms. DEGETTE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6469) to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MS. DEGETTE

Ms. DEGETTE. Madam Speaker, I have a motion at the desk.

The Clerk read as follows:

Ms. DeGette moves that the House concur in the Senate amendment to H.R. 6469.

The text of the Senate amendment is 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).*

The motion was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Ms. DEGETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed by the House.

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

There was no objection.

## CHILD SAFE VIEWING ACT OF 2007

Ms. DEGETTE. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 602) to develop the next generation of parental control technology, 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 gentlewoman from Colorado?

There was no objection.

The text of the Senate bill is as follows:

S. 602

*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 ''Child Safe Viewing Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Video programming has a direct impact on a child's perception of safe and reasonable behavior.

(2) Children may imitate actions they witness on video programming, including language, drug use, and sexual conduct.

(3) Studies suggest that the strong appeal of video programming erodes the ability of parents to develop responsible attitudes and behavior in their children.

(4) The average American child watches 4 hours of television each day.

(5) 99.9 percent of all consumer complaints logged by the Federal Communications Commission in the first quarter of 2006 regarding radio and television broadcasting were because of obscenity, indecency, and profanity.

(6) There is a compelling government interest in empowering parents to limit their children's exposure to harmful television content.

(7) Section 1 of the Communications Act of 1934 requires the Federal Communications Commission to promote the safety of life and property through the use of wire and radio communications.

(8) In the Telecommunications Act of 1996, Congress authorized Parental Choice in Television Programming and the V-Chip. Congress further directed action on alternative blocking technology as new video technology advanced.

**SEC. 3. EXAMINATION OF ADVANCED BLOCKING TECHNOLOGIES AND EXISTING PARENTAL EMPOWERMENT TOOLS.**

(a) INQUIRY REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a notice of inquiry to consider measures to examine—

(1) the existence and availability of advanced blocking technologies that are compatible with various communications devices or platforms;

(2) methods of encouraging the development, deployment, and use of such technology by parents that do not affect the packaging or pricing of a content provider's offering; and

(3) the existence, availability, and use of parental empowerment tools and initiatives already in the market.

(b) CONTENT OF PROCEEDING.—In conducting the inquiry required under subsection (a), the Commission shall consider advanced blocking technologies that—

(1) may be appropriate across a wide variety of distribution platforms, including wired, wireless, and Internet platforms;

(2) may be appropriate across a wide variety of devices capable of transmitting or receiving video or audio programming, including television sets, DVD players, VCRs, cable

set top boxes, satellite receivers, and wireless devices;

(3) can filter language based upon information in closed captioning;

(4) operate independently of ratings pre-assigned by the creator of such video or audio programming; and

(5) may be effective in enhancing the ability of a parent to protect his or her child from indecent or objectionable programming, as determined by such parent.

(c) REPORTING.—Not later than 270 days after the enactment of this Act, the Commission shall issue a report to Congress detailing any findings resulting from the inquiry required under subsection (a).

(d) DEFINITION.—In this section, the term ''advanced blocking technologies'' means technologies that can improve or enhance the ability of a parent to protect his or her child from any indecent or objectionable video or audio programming, as determined by such parent, that is transmitted through the use of wire, wireless, or radio communication.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Madam Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

Strike section 2.

Redesignate section 3 as section 2.

The amendment was agreed to.

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

## GENERAL LEAVE

Ms. DEGETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed by the House.

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

There was no objection.

## 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:

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

Hon. NANCY PELOSI,
*Speaker, 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, I have the honor to transmit a sealed envelope received from the White House on October 2, 2008, at 3:30 p.m. and said to contain a message from the President whereby he transmits a report on the continued production of the naval petroleum reserves beyond April 5, 2009.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–149)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

*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.*

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

Mr. RANGEL. Madam Speaker, I ask unanimous consent that it be in order today for the Speaker to entertain motions to suspend the rules relating to H.R. 6867.

The SPEAKER pro tempore (Ms. DEGETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

## UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2008

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6867) to provide for additional emergency unemployment compensation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6867

*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 ''Unemployment Compensation Extension Act of 2008''.

**SEC. 2. ADDITIONAL FIRST-TIER BENEFITS.**

Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking ''50'' and inserting ''80''; and

(2) in subparagraph (B), by striking ''13'' and inserting ''20''.

**SEC. 3. SECOND-TIER BENEFITS.**

Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

''(c) SPECIAL RULE.—

''(1) IN GENERAL.—If, at the time that the amount established in an individual's account under subsection (b)(1) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law, or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

''(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(C) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

**SEC. 4. PHASEOUT PROVISIONS.**

Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking ''paragraph (2),'' and inserting ''paragraphs (2) and (3),''; and

(2) by striking paragraph (2) and inserting the following:

''(2) NO AUGMENTATION AFTER MARCH 31, 2009.—If the amount established in an individual's account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

''(3) TERMINATION.—No compensation under this title shall be payable for any week beginning after August 27, 2009.''.

**SEC. 5. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.**

With respect to weeks of unemployment beginning after the date of the enactment of this Act and ending on or before December 8, 2009, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

**SEC. 6. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by sections 2, 3, and 4 shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, subject to subsection (b).

(b) ADDITIONAL BENEFITS.—In applying the amendments made by sections 2 and 3, any additional emergency unemployment compensation made payable by such amendments (which would not otherwise have been

payable if such amendments had not been enacted) shall be payable only with respect to any week of unemployment beginning on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. I yield myself such time as I may consume.

Madam Speaker, this might be anticlimatic. The House, for weeks, and indeed days, in the past hours, have attempted to save the free world from a fiscal disaster. We have bailed out the banks and those who held mortgages. At the same time, we provided for energy extensions, we provided tax breaks for those people that tax provisions have expired. We provided for hurricane relief, for mental health. So over $1 trillion is out there for this House to ease the pain of millions of Americans.

While we were dealing with these gigantic powers, we overlooked the fact that over the last 12 months the number of unemployed workers has jumped by over 2 million, leaving 10 million Americans struggling for work. These are not ordinary Americans. These are hardworking people that raise their family with some degree of dignity that have lost their jobs through no fault of their own.

So the falling sky as relates to the fiscal situation we find today, so many forget that these people do not have the resources to put food on the table; to pay their rent and mortgages; to keep their kids in school; to meet their medical expenses, or even to pay for the increased price of gasoline.

One member of the committee and of this Congress, Dr. MCDERMOTT, has never let us forget, no matter how big the problem we are trying to do, in terms of looking for alternatives to fossil fuels, he has dedicated his life to make certain that these faceless people who have lost their jobs, that America and this Congress attempt to provide some compensation.

We can't return their dignity. In many cases, we can't return their homes. But we can help.

I ask unanimous consent that I be allowed to yield the remainder of my time to Dr. Congressman MCDERMOTT to see fit how he yields the remainder of time assigned to us for this purpose.

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

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this important legislation in order to provide additional needed assistance to the long-term unemployed. As my colleagues on both sides of the aisle will note today, this is an issue that truly matters to millions of Americans, and it's important that we pass this legislation today as our last act before we leave for the election campaign.

As data released just this morning shows, that need is rising. While the unemployment rate remains steady at 6.1 percent, the number of unemployed grew once again to a total of 9.5 million Americans. In the past year, 2.2 million Americans have been added to the ranks of the unemployed. Even more importantly, for purposes of this legislation before us today, the number of long-term unemployed, those who have been out of work for more than 6 months and who are in need of extended benefits, increased by 167,000, to over 2 million.

In my home State of Illinois, the numbers are, if anything, even worse. The current unemployment rate is 7.3 percent, and nearly half a million of my fellow Illinois citizens are out of work.

The people who would benefit most by this legislation are long-term unemployed people who want to work and are searching for a job, but not able to find one. Today's rising level of unemployment goes a long way to explaining why it is so hard for them to find a new job and why this additional assistance is needed today.

This legislation focuses the most additional benefits on workers and States where the unemployment rate is highest and where jobs are hardest to find. That sort of targeting is something Republicans have been calling for all this year.

Madam Speaker, I expect that passage today of this current extended benefits program will be bipartisan, just as we acted in a bipartisan way in June to create this temporary extended benefits program. Like the similar program we created after the 2001 recession and the 9/11 attacks, this program helps those who are out of work the longest, at a time when jobs are increasingly hard to find.

My colleagues should know this program continues the requirement that those benefiting from extended unemployment benefits had to have worked at least 20 weeks. This requirement has been in Federal law since 1981. That is why Americans were rightly concerned about proposals to eliminate that work requirement and allow 39 weeks or, under the legislation before us today, as many as 59 weeks of total unemployment benefits to be paid to those who have previously only worked for a few weeks.

□ 1345

The program we are expanding today and passing today maintains this commonsense ''20 weeks of work'' rule, which ensures balance between work and taxes paid in and benefits paid out.

Madam Speaker, I wish this legislation were not necessary, but today it is. The economic concerns affecting the stock and credit markets that we all see have real effects on real people with real jobs. This legislation says we will provide additional assistance to those who have been hurt the most and have been out of work the longest.

I particularly want to thank my colleagues JON PORTER of Nevada and PHIL ENGLISH of Pennsylvania, who have been leaders on this issue, urging the House to act. I know they cosponsored this legislation before us today.

Today's action is a useful step, but we need to do more to promote a stronger economy so that those who today need these benefits can return to their former work or find new, good-paying jobs to support their families. That task remains before this Congress and is something this Congress needs to refocus on in the months ahead.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to thank the chairman for his dedication to this issue and pushing it at all the meetings so we finally got it on the floor one last time.

For the last 2 weeks we have been talking about Wall Street, but it is time to turn our attention to Main Street, to all the decent, hardworking people who play by the rules but lost their jobs through no fault of their own.

Our economy has lost jobs for the last 9 months in a row, including 10 million Americans now unemployed and unable to find work. Today we got the figures and found out last month the economy lost 159,000 jobs. That is the biggest 1-month job loss in more than 5 years. In my home State of Washington, the unemployment rate has increased by nearly 30 percent over just the last 5 months.

Today we face a simple choice: Are we going to help these workers who have lost their jobs through no fault of their own, or are we going to sit on the sideline and watch them suffer? This bill says we can and we must help.

The legislation provides another 7 weeks of extended unemployment benefits in every State, plus an additional 13 weeks in high unemployment States who have more than 6 percent. This assistance will not cost a penny, because it really comes from the unemployment trust funds that we have already collected.

Our economy has lost 760,000 jobs this year, nearly 1 million more workers have joined the ranks of unemployment since Congress provided the last extension of unemployment benefits in June, and the number of States with high unemployment has doubled. If we don't act today, nearly 800,000 Americans will exhaust their benefits in the next few weeks. Even if you don't care about how these people feed their families, at least consider how much the economy will deteriorate if they stop buying goods and services.

I strongly urge a ''yes'' vote to extend unemployment benefits for people who are suffering in this country.

I reserve my time.

Mr. WELLER of Illinois. Madam Speaker, at this time I want to yield 3 minutes to the distinguished gentleman from Nevada (Mr. PORTER), who I note is not only a valuable member of this subcommittee, but has been a leader in calling for action by the House on extending unemployment benefits.

Mr. PORTER. Madam Speaker, I would like to compliment our chairman and ranking member and other Members of this body who have worked very hard to try to help families and working individuals across the country.

I would like to talk a little bit about the State of Nevada and some of the challenges that we are facing. State economists today say that they expect that next year our unemployment rate in Nevada should rise to about 8.6 percent and stay there through 2010, a striking example of why we need to pass this legislation. As a Congress, we have failed to pass a comprehensive energy bill, which has caused us serious challenges in Nevada. But let me talk about some of the specifics.

Individuals are not traveling to Nevada as they used to, although now is the time to travel. We have some of the best bargains in the world. But I can assure you that because of the cost of living, the cost of fuel, with the highest foreclosure rate in the country in my district alone, we are having some major impacts occur on our families. We need to find a way to help these families immediately, and I applaud Congress for its actions today, for the relief package for millions of Americans. This is one more step to help those working families.

As I mentioned, we are facing serious economic challenges in Nevada. We have had three bank failures to date, and I have heard from numerous families over and over again and their neighbors and friends as to the impact of the bank foreclosures.

We need to find additional action. This is it. Again, I applaud my colleagues here in Congress for having the foresight, and to the chairman, I appreciate it.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Madam Speaker, this morning a jobs report came out. It paints a truly devastating picture for the American economy and for American families.

In September, we had the biggest 1-month job loss in over 5 years. Long-term unemployed rose dramatically, up 167,000, to a total of 2 million; 775,000 people will exhaust the first emergency extension this month alone, over 1 million by the end of the year, unless we act. New claims for unemployment are at a 7-year high. And I point this out finally, the statistics are startling. Let's look beyond the statistics to the people involved. In total, there are now 9.5 million people in our country looking for work, the most since 1992.

I simply would ask those who would vote against this, come down to the floor and explain not only to their district, but the American people, why they would not vote ''yes'' on the extension of unemployment compensation.

Mr. WELLER of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for yielding and for his leadership on this very important matter.

Madam Speaker, I rise in strong support of the Unemployment Compensation Extension Act, which we must pass here today. After 8 years of failed policies and economic pain, the families in my district and across Ohio are trying to hang on.

Since 2001, 1,087 Ohio factories, companies and operations have shut down or had massive layoffs. That is one company shutting down or laying off workers every 2½ days for 8 straight years. That is an average of 61 jobs lost each day due to shutdowns or layoffs. In fact, since 2001, Ohio has lost over 200,000 manufacturing jobs alone, and now our State's unemployment rate is 7.4 percent, nearly double the 2001 level.

In order to keep our families strong and workers competitive, we must extend these unemployment benefits.

Madam Speaker, 22,478 unemployed workers in my home State of Ohio will lose their benefits in October, and a total of 34,389 will lose their benefits between October and December, right before the holidays.

Madam Speaker, we must act here to pass this bill with the same sense of urgency to help our families as we did to pass the economic recovery package just voted on to free up the credit markets. Extending these unemployment benefits is critical. We must extend them to help our workers who are struggling to find jobs.

Mr. WELLER of Illinois. Madam Speaker, I continue to reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his extraordinary leadership on this important bill.

The economy has shed nearly 1 million private sector jobs this year and 9.5 million workers are unemployed, 2.2 million more than a year ago. As this chart shows, unemployment is particularly high in nearly half of the States. The red shows where unemployment is over 6 percent, the orange is where it is 5 percent.

In high unemployment States, over a third of the workers who have lost their jobs, through no fault of their own, are exhausting even their extended unemployment benefits. Nearly 800,000 workers will be left without additional Federal jobless benefits starting next week when their extension is set to run out. Over half of these workers live in high unemployment States.

Congress has extended benefits to the States hardest hit by unemployment in every other downturn in the past 25 years. This bill will bring relief to families struggling to find work and make ends meet and also boost our sagging economy.

In light of today's jobless numbers, I urge a strong yes vote on this important bill.

Mr. WELLER of Illinois. I continue to reserve my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, we all know our economy is rapidly deteriorating and we have a responsibility to act. Today we passed an economic stabilization bill that we worked to benefit everyone, allowing individuals and businesses across the country critical access to the credit that they need. The package also included tax provisions to bring further relief to the middle class, protecting hardworking Americans from the encroaching alternative minimum tax, expand the child tax credit, and create jobs through renewable energy and research and development tax credits. Yet we must do more to help those in need.

So far this year, 760,000 jobs have disappeared. The Labor Department reported today that the economy shed 159,000 jobs in September, the ninth straight month of job losses and the most in more than 5 years. The unemployment rate is now at 6.1 percent, the highest level in 5 years. This August, Connecticut unemployment reached 6.5 percent, the highest since 1993, and wages remained stagnant.

The legislation we consider today will provide 7 additional weeks of extended benefits for workers in every State, extend eligibility to 20 weeks, and provides another 13 weeks for workers in States with the unemployment rate of 6 percent or higher. With 800,000 workers currently set to exhaust their extended benefits in October, this could not be more urgent.

In the long run, we need to provide real stimulus to help the middle class, create jobs by investing in infrastructure and renewable energy and provide the middle class with much-needed tax relief. Extending unemployment insurance is one of the best options to stimulate the economy. It is good economics, and it is basic human decency.

Mr. WELLER of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 1½ minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Thank you, Mr. Chairman, for your leadership on this very important issue.

Madam Speaker, I rise in strong support of H.R. 6867, the Unemployment Compensation Extension Act of 2008. We heard this morning that the national unemployment rate was 6.1 percent in September and 9.5 million Americans are out of work, 2.2 million more unemployed workers than just 1 year ago.

The unemployment rate in Hawaii has gone up from 2.7 percent in August 2007, one of the lowest in the country, to 4.2 percent in August of 2008. That increase amounted to 10,800 more people out of work in my State in just 1 year. The 28,100 unemployed men and women in Hawaii are struggling to pay their mortgages, health premiums and energy costs while they continue to look for work in the middle of an economic downturn.

Many Hawaii businesses have closed their doors or laid off workers in the last year, including Aloha Airlines, ATA, Maui Land and Pine, and Norwegian Cruise Line. The Hawaii economy is struggling. Tourism, agriculture and retail are all down, making it harder for people in our State to find new jobs.

Congress must act now to provide help for the 9.5 million Americans who are out of work. Nearly 800,000 of these workers are projected to exhaust their extended unemployment benefits this month. Over the next 3 months, over 2,400 unemployed workers in Hawaii will exhaust their benefits, leaving thousands of Hawaii families out of work and out of money.

We have before us an important bill that would extend these benefits for 7 weeks for the thousands of unemployed in Hawaii and across our country. I urge a yes vote on this measure.

□ 1400

Mr. WELLER of Illinois. I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank my friend Mr. MCDERMOTT for his hard work on this important bill, and I rise in support of the Unemployment Compensation Extension Act.

The national unemployment rate is 6.1 percent, while the latest unemployment data for my State of Ohio reports a 7.4 percent unemployment rate. These numbers are expected to rise in the coming months.

With the loss of an additional 159,000 jobs in September, the American economy is experiencing a ninth consecutive month of job loss. Manufacturing are the hardest hit, with the loss of an additional 51,000 jobs in September and the loss of approximately 442,000 jobs this time a year ago.

Furthermore, unemployment is disproportionately affecting African-American men at 11.9 percent unemployment and workers without high school degrees at 9.6 unemployment. The number of workers involuntarily unemployed in a part-time job increased by an additional 300,000 in September.

The Unemployment Compensation Extension Act will provide an additional 7 weeks of unemployment benefits to our workers who exhausted their benefits. For States with unemployment rates at or in excess of 6 percent, the bill will ensure an additional 13 weeks of unemployment compensation.

Just moments ago, the House of Representatives passed a bill which will give Wall Street $700 billion. The least we can do is help give a little bit more unemployment compensation to American workers.

Mr. WELLER of Illinois. I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, could we know the time that is available?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining. The gentleman from Illinois has 14½ minutes.

Mr. MCDERMOTT. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the chairman for having the wisdom to bring this legislation up.

If you look at my State, you will see that Texas is just a smidgeon below turning red, and not on politics, but on the numbers of individuals unemployed.

As was indicated, we just voted on an emergency stimulus package on which I originally voted no. But looking at these numbers, having my car dealerships call me and tell me about the freezing of credit, with great difficulty I voted yes. But today is an acknowledgement that we are in crisis. 159,000 people today are unemployed, making a total of 759,000 people.

This emergency stimulus package or this emergency rescue package has got to focus on Mr. and Mrs. America. That is what the extension of unemployment benefits represents, so that Ms. Jackson in my district who has a high adjusted mortgage rate can still keep her job. We have got to keep her job and keep a house. And that is what my vote was today on the rescue package. That is why I am supporting these extenders, because we have got a crisis, folks. And this party, this Democratic Congress, this new President must address this question.

Madam Speaker, I rise today in support of H.R. 6867, the Unemployment Compensation Extension Act introduced by Congressman MCDERMOTT of Washington.

BACKGROUND

On June 30, 2008, the Emergency Unemployment Compensation (EUC08) program was created by Public Law 110–252. This new temporary unemployment insurance program provided up to 13 additional weeks of unemployment benefits to certain workers who had exhausted their rights to regular unemployment compensation (UC) benefits.

Unfortunately, over 1 million workers have joined the ranks of the unemployed since Congress enacted the Extended Unemployment Compensation (EUC) program in June, and over 800,000 workers are projected to exhaust their current extended benefits if we do not act now.

Hurricanes Rita, Gustav, and Ike have wreaked havoc on the gulf coast, and in my district of Houston, Texas I have seen people with out food and water. This devastation has also clearly affected the job market and has forced many hardworking Houstonians into the unemployment lines.

GENERAL—STATISTICS

The U.S. economy has lost jobs in every single month of 2008. This past month, the economy suffered its biggest 1-month job loss (−159,000) in over 5 years. With over 9.5 million unemployed workers the national unemployment rate is at a 5-year high of 6.1 percent. New claims for unemployment benefits just hit a 7-year high in mid-September. In total, the economy has shed 760,000 jobs since the beginning of the year.

Over the past year, the number of unemployed Americans has increased by 2.2 million. New claims for unemployment benefits just hit a 7-year high in mid-September. In July, there were 2.6 jobless workers for every available job. More than one out of every five unemployed workers has been jobless for over 6 months. The number of long-term unemployed (2 million) is up 57 percent over the last 12 months with 89 metropolitan areas having a jobless rate of at least 7 percent.

From January to May, 5 consecutive months, the U.S. economy has lost jobs. The unemployment rate had its biggest 1-month increase in over 20 years in May of this year.

The Congressional Budget Office, CBO, says that extending unemployment benefits is one of the most cost-effective and fastest acting forms of economic stimulus because the money is spent quickly.

Congress has enacted federally-funded extended unemployment benefit programs on seven different occasions over the last 50 years in response to economic weakness (1958, 1961, 1972, 1975, 1982, 1991, and 2002).

In addition to those already seeking employment, statistics from recent years show an average of 100,000 additional job seekers entering the labor market in Texas alone, between the months of April and June.

The unemployment rates for adult men (4.9 percent), adult women (4.8 percent), teenagers (18.7 percent), whites (4.9 percent), and blacks (9.7 percent) rose in May. The jobless rate for Hispanics (6.9 percent) was unchanged. The unemployment rate for Asians was 3.8 percent.

CONCLUSION

Unemployment is at record highs. This affects the very heart of our American families. We must act now to extend these benefits. I urge my colleagues to vote for H.R. 6867 and support American families.

Mr. WELLER of Illinois. Madam Speaker, at this time it is a privilege to yield 3 minutes to the distinguished Member from Pennsylvania, a senior member of the Ways and Means Committee, and one who has advocated that the House act quickly in providing extended unemployment benefits and a cosponsor of this legislation, Mr. ENGLISH.

Mr. ENGLISH of Pennsylvania. Madam Speaker, let me just say first off I think we all owe a great debt of

gratitude to the chairman of the subcommittee and also the ranking member.

The chairman of the subcommittee has approached the extended unemployment benefit issue with the sense of urgency that it deserves, and it has been a privilege for me to serve as a cosponsor of the initial legislation that was reported out of our committee.

Today, I think it is very important that we act, because in my neighborhood on the west side of Erie, Pennsylvania, people have been increasingly uncomfortable about the growing financial challenges facing our country. But for them, their highest concern and their most immediate concern is their job. And with rising unemployment rates and big challenges in the economy, it is important that we act today to give everyone on unemployment extra weeks of benefits in order to develop a sound footing, to be in a position to have extra time with extra weekly paychecks in order to meet their needs, in order to cover their mortgage, in order to put money back into the community. This will have a positive multiplier effect in many communities in this country and in neighborhoods like mine on the west side of Erie, Pennsylvania.

I think it is important, having acted today to stabilize Wall Street, that we reach out to Main Street and beyond to West 6th Street in Erie, where people are facing real concerns about their employment prospects, where people need to know that the safety net is going to be there if they are laid off.

This is a bipartisan issue, one that should rise above partisan politics, one that I think should speak to the philosophy of virtually everyone in this chamber. I urge the passage of this legislation. I urge that we act now to get it done and we reassure the working families of America that this safety net is going to be there for them.

Mr. MCDERMOTT. Madam Speaker, I yield 1 minute to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the chairman of the subcommittee for yielding to me, and I want to thank him for being a true leader for those who are unemployed across our country, so many of them in the State of Ohio. I know how hard Congressman JIM MCDERMOTT has worked on this legislation. And I have to say I come to the microphone with a heavy heart, because I obviously did not support the $870 billion for Wall Street, and now we come with $6 billion, 6 precious billion dollars that these people earned and sent into the tax coffers of this country. And we are going to give it back to them as a gift?

I am getting tired as a Democrat of picking up the wreckage across America. When is my party really going to stand up to Wall Street and the outsourcing of jobs? This isn't good enough. This isn't good enough for the people who have sent us here. They have earned it. Those people at Treasury didn't earn it. Wall Street didn't earn it. They squandered our money.

So today, because of Congressman MCDERMOTT's leadership, at least we have a lifeline to the people who are paying the tax dollars. They are going to be rerouted to Wall Street and then they are going to send half of it abroad.

I rise in support of this legislation because it is the least we should do, but it isn't the most we should be doing.

Mr. WELLER of Illinois. I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, does the gentleman have other speakers?

Mr. WELLER of Illinois. We have no additional speakers. There may be other Members coming, but we're not aware of any additional speakers.

Mr. MCDERMOTT. I don't have any either, so if you're ready to close, go ahead.

Mr. WELLER of Illinois. The gentleman has no additional speakers?

Mr. MCDERMOTT. I have no additional speakers.

The SPEAKER pro tempore. The gentleman from Illinois is recognized to close.

Mr. WELLER of Illinois. Thank you, Madam Speaker.

Just a couple of weeks ago my friend JIM MCDERMOTT, the chairman of our subcommittee, and I were on the floor with our bipartisan child welfare legislation, legislation that is going to become law. At that time, I thought that would probably and likely be the last time I would be working with the chairman to manage important legislation before this House. But I want to thank Chairman MCDERMOTT for recognizing the urgency and the importance of bringing this important legislation to the floor.

The bottom line is there are Americans who are hurting today. Unemployment is up. The numbers that we saw this morning show that there are more Americans who are unemployed than there were last month. The State I represent, the State of Illinois, has a current unemployment rate of 7.3 percent. Half a million Illinoisans are out of work. This legislation will particularly help those Illinois constituents of mine who have been unemployed for a long time, they have exhausted their benefits, they have had a hard time finding a new job. But they still have to put food on the table, they still have to make ends meet, they still need to provide for their families. And this legislation will help ensure they have the help they need.

Again, I want to thank my chairman for not only his partnership, but his friendship, and say that it has been an enjoyable experience to work as his ranking member on this subcommittee.

And again, Mr. Chairman, I believe this will be the last time I speak before the House of Representatives unless we have a lame duck session. There are issues we do need to address in that lame duck session, and we need to find ways to continue to grow this economy. To me, that is cause enough to have a lame duck session after the elections. But if not, Mr. Chairman, I want to thank you for your partnership on this legislation which is so important to millions of Americans, almost 10 million Americans who today are unemployed looking for work. We want to help those who are looking for work.

This legislation deserves bipartisan support. I hope it passes unanimously. Madam Speaker, again, I urge bipartisan support. I urge an ''aye'' vote.

I yield back the balance of my time.

Mr. MCDERMOTT. It has been a pleasure to work with you, Mr. WELLER. I know I am not supposed to speak to another Member on the floor, but I just did anyway.

I would ask unanimous consent that I be allowed to let Mr. EMANUEL say 30 seconds.

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

There was no objection.

Mr. EMANUEL. Madam Speaker, today we have learned that things have only gotten worse: 159,000 American jobs were lost in September, the biggest decline since March 2003. I am pleased we are taking this action today.

ON THE RETIREMENT OF HON. RAY LAHOOD

But while I have the attention of the Members, I would like to say one thing about a colleague who isn't here but this is his last day, a person who I have gotten to know over the years working, RAY LAHOOD. This will be his last day here in Congress. He has been a member of the Capitol, both as staff to Bob Michel as well as a Member of Congress.

For all those who are watching, both RAY and I come from Illinois. RAY is a Republican and I am a Democrat. RAY is a Lebanese American, I am a Jewish American. He is supporting JOHN MCCAIN, and I am supporting BARACK OBAMA. He is a great friend of mine. I have learned a lot about him. That type of friendship, that type of people from two different experiences, you can only find in one country in the world, and that is here in America. Two people from totally different backgrounds who have developed a great friendship both not only as individuals, not only as people who work together, but as family. And I will just tell you, I am going to sorely miss somebody who I have gotten to know as a good friend, somebody who in my opinion, if you look back and I think if you ask all our colleagues, somebody when our framers thought of a member of Congress what they had in their mind's eye, that person would be RAY LAHOOD, whose decency, his sense of what it is that he was doing here on behalf of who he was doing it for never changed in his 30 years. He is an individual who, while firm in his principles, was very flexible about his opinions. I say, if you spend too much time in Washington you become firm in your opinions and it is your principles you are flexible on. RAY never forgot where he was from and the people of Peoria that sent him here.

Now, while he will go on to do many things in his life, his leadership, his thoughtfulness, and his character will be missed by Members of both sides of the aisle. And I wish him well and I wish him congratulations on an outstanding career in public service, but I would hope that RAY could find other ways to also contribute to his country. He has been a good friend, a good colleague, and somebody, I think I can speak for 434 other Members, will be sorely missed from this institution.

Mr. MCDERMOTT. Madam Speaker, may I inquire as to the time I have left?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

Mr. MCDERMOTT. Madam Speaker, first of all, I want to say it has been a pleasure to work with JERRY WELLER. On a committee like this where you have contentious issues, he has been a great supporter as we have worked on child welfare issues and on foster children issues and unemployment issues, and it has been a real pleasure. I hope I get a ranking member to replace you that is half as good as you were.

I think that this bill that is out here may be in my view a little bit late. I wanted to put an amendment on the bailout bill that included the stimulus package, because I really think that we should be doing more for people on Main Street.

□ 1415

I think the people at home are angry in many respects because they think we don't understand the pain of what the average citizen in this country is feeling, and they feel like we are giving help to some people that perhaps don't deserve it or don't need it or whatever, and we are ignoring the people who really needed it.

The acceptance by the leadership of putting this bill up here at the end, I am pleased by that. I only hope that the Senate is listening because, Madam Speaker, some of those people are going to go home to States that we just saw mapped that are red. That means they have more than 6 percent unemployed. We have 19 States in this country where there is more than 6 percent unemployment.

For people to go out and run for reelection and say I didn't have time to stay and pass an unemployment bill wouldn't seem to me like a good campaign strategy. So I hope that this will become legislation that passes this House, the other House, and is ultimately signed by the President.

The people who lose their jobs in this country are real people. They are people who go to work every day, and one day they come in, like those who had a meeting in Seattle yesterday where they told the 4,300 people who are working at Washington Mutual that they will find out whether they have their job on the 1st of December. They are going to get their Christmas present by decision of the folks who bought Washington Mutual as to whether they are employed or not. No fault of theirs. Those are real people for whom this bill is a little bit of help to get them over, hopefully, a chasm so that they can reach the other side and get another job.

I urge all of my colleagues to vote for this bill. It is a piece of legislation that I am sure the Senate is going to want to deal with.

Ms. SCHAKOWSKY. Madam Speaker, I rise in strong support of H.R. 6867, the Unemployment Compensation Extension Act of 2008. Today we learned that for the ninth straight month the economy has lost jobs—159,000 jobs in the last month alone. That represents the largest 1-month loss of jobs in more than 5 years. Over the last 12 months, more than 2 million Americans have joined the ranks of the unemployed. The national unemployment rate is now at 6.1 percent, and in my home State of Illinois it is at 7.3 percent.

Today's news come at a time when millions of people in Illinois and across the country are already struggling to figure out how they can pay their bills, feed their families, and keep a roof over their head. H.R. 6867 will help ease some of that pain and fear by extending unemployment benefits to millions of Americans who have lost their job as more businesses are forced to cut shifts and lay people off because of rising prices, a decline in business, and the credit crisis.

H.R. 6867 would provide 7 weeks of extended benefits for workers who have exhausted regular unemployment compensation, with workers in high unemployment States like Illinois eligible for an additional 13 weeks of benefits. Nearly 800,000 workers are projected to exhaust their current extended unemployment benefits in October unless Congress acts.

On the day that we are directing billions of taxpayer dollars to stabilize the financial markets, it is incumbent on Congress to provide direct relief to those struggling to make ends meet. In addition to unemployment insurance, I believe we also need to make investments in our highways, bridges, transit systems, and schools; we need increases in food stamp benefits; and we need a crucial temporary increase in Medicaid payments to States. Studies have shown that those are some of the quickest forms of economic stimulus because those benefits and investments are spent quickly.

Again, I urge strong support of the legislation and look forward to working with all of my colleagues to support policies that create jobs and jump start our economy.

Mr. BLUMENAUER. Madam Speaker, I rise in strong support of H.R. 6867, the "Unemployment Compensation Extension Act of 2008." We have seen the United States economy lose jobs every single month of 2008. Today we were greeted with the news that 159,000 more American jobs were lost in the month of September, the worst job loss in 5 years. In my home State of Oregon, the unemployment rate is up over 6 percent, and families are hurting.

Extending unemployment benefits for those who are looking for jobs in an increasingly contracting economy is the right thing to do. It is not only the moral thing to do, it's a good stimulator for our economy. Most families have exhausted their benefits and still need help paying their bills and putting food on the table. Moody's Economy.com estimates that every dollar of unemployment benefits provides $1.64 in economic stimulus by being put directly back into the economy.

We have just voted to pass an enormous financial rescue package which lends a helping hand to the financial services industry. I voted against that legislation because it didn't do enough to help consumers and taxpayers. Our unemployment rate is at a 5-year high, and claims for benefits have just hit a 7-year high. It's time to lend a helping hand to the more than 65,000 Oregonians who would benefit from extended benefits under this bill. I urge my colleagues to join me in passing this important legislation to help get our economy back on its feet.

Mr. SHAYS. Madam Speaker, I support H.R. 6867, which would provide up to 7 additional weeks of Federal extended unemployment benefits to workers in all States as well as an additional 13 weeks of Federal extended benefits for workers in States, like Connecticut, with unemployment rates of 6 percent or higher.

Connecticut's Fourth Congressional District has been hit particularly hard by financial market turmoil. According to PolicyMap.com, 20,655 Darien residents alone work in the financial, insurance, and real estate sectors. In light of Lehman Brothers and AIG bankruptcies, many Fairfield County commuters have found themselves unemployed.

In Westport, 19.4 percent of the town's 26,822 residents work in these fields, and 13.2 percent of Stamford's 120,338 residents are also employed in the financial sector.

I support extending unemployment insurance benefits to people who have lost their jobs and are having a difficult time finding work. In light of a recent economic downturn, turmoil in the housing market and rising unemployment it is the responsibility of Congress to assist workers and promote economic growth and employment.

Mr. ELLISON. Madam Speaker, I rise today to strongly support H.R. 6867, the Unemployment Compensation Extension Act of 2008.

This bill provides for an additional 7 weeks of extended Unemployment Benefits for workers who have exhausted their regular UI benefits.

Earlier this year, we enacted a bipartisan compromise to provide extended unemployment benefits. But those benefits will start to run out in October unless Congress acts.

With today's news of another 159,000 American jobs lost in September—the worst job loss in 5 years—this action is critical to providing relief as well as strengthening the American economy and creating jobs.

Madam Speaker, the research is clear, extending UI benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly.

According to the Congressional Budget Office, every $1 spent on unemployment benefits generates $1.64 in new economic demand.

Madam Speaker, Minnesota's unemployment rate hit 6.2 percent this past August, we are waiting for the September State numbers now. This is highest state unemployment rate in 22 years.

This legislation could not be more timely; the House has just passed legislation to save Main Street by helping out Wall Street.

Let us help everybody on Main Street directly by providing needed help to the unemployed workers and their families by providing

them additional unemployment insurance benefits.

Mr. McDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 6867, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 28, not voting 38, as follows:

[Roll No. 683]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
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)
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
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)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
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
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—28

Bachmann
Barrett (SC)
Broun (GA)
Burgess
Cannon
Carter
Conaway
Culberson
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Inglis (SC)
Jordan
King (IA)
Lamborn
Linder
Miller (FL)
Neugebauer
Nunes
Paul
Poe
Sali
Shadegg
Smith (NE)

NOT VOTING—38

Bishop (UT)
Boehner
Boucher
Cooper
Cubin
Davis, David
Deal (GA)
Eshoo
Everett
Feeney
Ferguson
Gallegly
Gilchrest
Hastings (FL)
Hobson
Hulshof
Johnson, Sam
Kingston
LaHood
Lewis (KY)
Marchant
McCrery
McKeon
Miller, Gary
Moran (VA)
Pickering
Renzi
Royce
Sanchez, Loretta
Saxton
Slaughter
Speier
Thornberry
Visclosky
Wamp
Weldon (FL)
Westmoreland
Young (FL)

□ 1441

Mr. SNYDER changed his vote from ''nay'' to ''yea.''

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.

Stated for:

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained and missed rollcall vote 683. Had I been present, I would have voted "yea" on rollcall 683.

Mr. COOPER. Madam Speaker, I will be unable to vote this afternoon on H.R. 6867, the Unemployment Compensation Extension Act. Had I been in attendance, I would have voted "yea."

## ADDITION OF NAME OF MEMBER AS COSPONSOR OF H.R. 2205

Mr. ROSKAM. Madam Speaker, I ask unanimous consent to be added as a cosponsor to H.R. 2205.

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

There was no objection.

## CONGRATULATING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS ON THEIR SUCCESS IN THE 2008 SUMMER OLYMPIC AND PARALYMPIC GAMES

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that the Committees on Oversight and Government Reform and Foreign Affairs be discharged from further consideration of House Resolution 1527 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 1527

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 House of Representatives—

(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.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## UNITED STATES ARMY COMMEMORATIVE COIN ACT OF 2008

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 5714) 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 ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5714

*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.**

The 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 (hereafter 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 (hereafter 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).

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. SKELTON:

At the end of the bill insert the following new subsection:

(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 the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The amendment was agreed to.

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

## FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 442. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3001.

## COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie R. Butler, District Director, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 1, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE R. BUTLER,
*District Director.*

## COMMUNICATION FROM CONGRESSIONAL AIDE, THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ericka Edwards-Jones, Congressional Aide, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 1, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ERICKA EDWARDS-JONES,
*Congressional Aide.*

## COMMUNICATION FROM LEGISLATIVE DIRECTOR, THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Angelle Kwemo, Legislative Director, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, October 1, 2008.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE KWEMO,
*Legislative Director.*

## COMMUNICATION FROM ACTING CHIEF OF STAFF, THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Roberta Y. Hopkins, Acting Chief of Staff, the Honorable WILLIAM J. JEFFERSON, Member of Congress:

OCTOBER 1, 2008.

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERTA Y. HOPKINS,
*Acting Chief of Staff.*

## THE POLITICS OF FEAR WON THE DAY

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

Mr. POE. Mr. Speaker, the politics of fear has won the day. The Secretary of Treasury has in essence told the country, ''Give me money and give it to me by the close of the business day or the country is going into the financial abyss.''

His fear tactics have caused the stock markets to tumble, and by putting a financial shotgun to the head of America, he has collected a $700 billion ransom to pay for the financial mistakes of Wall Street. There are two problems: we still don't know what he's going to do with America's money; and second, those who caused this mess are the ones who will profit from their bad gambling debts.

These Wall Street elites are free market capitalists until they start making mistakes, and rather than pay, they arrogantly expect Americans who did nothing wrong to pay the cost.

Well, I didn't come to Congress to sell out to Wall Street and let Americans be ripped off by intimidation tactics. Americans should not be expected to pay for the sins of the Wall Street money barons.

But the bill that passed today benefits a few in New York City; it raises taxes; there is no assurance it will even solve the problem; and the good old American patriot is left holding the bag because of the politics of fear.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## REVISION TO THE BUDGET AGGREGATES FOR THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 220 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget aggregates for the period of fiscal years 2009 and 2013. This adjustment is in response to consideration of the Senate amendments to the bill 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. A table is attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

| | Fiscal Year 2008 [1] | Fiscal Year 2009 [1,2] | Fiscal Year 2009–2013 |
|---|---|---|---|
| Current Aggregates: | | | |
| Budget Authority | 2,456,198 | 2,462,544 | n.a. |
| Outlays | 2,437,784 | 2,497,322 | n.a. |
| Revenues | 1,875,401 | 2,029,653 | 11,780,263 |
| Change for consideration of Emergency Economic Stabilization Act (H.R. 1424): | | | |
| Budget Authority | 0 | 0 | n.a. |
| Outlays | 0 | 0 | n.a. |
| Revenues | 0 | 0 | 340,570 |
| Revised Aggregates: | | | |
| Budget Authority | 2,456,198 | 2,462,544 | n.a. |
| Outlays | 2,437,784 | 2,497,322 | n.a. |
| Revenues | 1,875,401 | 2,029,653 | 12,120,833 |

n.a.=Not applicable because annual appropriations acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriation action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

## WHY I VOTED AGAINST THE SENATE REPUBLICAN BAILOUT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, on Thursday morning, the morning after the Senate passed a very different bailout bill, two things happened: The filings for new unemployment benefits hit a 7-year high, and a number of telephones melted in my congressional office as my constituents called in their opinions. By the thousands, the people in the Seventh Congressional District are absolutely enraged by what the Senate put over here.

Senate Republicans blocked Senate Democrats from legislation that delivers for Main Street. Senate Republicans demanded the pot be sweetened, but they left out the millions of Americans who can't find a job and are running out of benefits. And they left out a lot of other Americans, too.

With economic times getting rougher by the day, Senate Republicans have no problem telling the American people you've got to go it alone.

Last week, the House passed on a strong bipartisan vote a stimulus package that would help Main Street, but Senate Republicans said no. They were willing to help Wall Street, but looked the other way for Main Street.

One caller said they were stunned that the Senate included a call for the Securities and Exchange Commission to alter a fundamental way assets are valued. It's called mark-to-market accounting, and let me quote an NPR report.

The Council of Institutional Investors and the CFA Institute oppose a suspension of mark-to-market—also known as ''fair value''—accounting because, in their opinion, the rule offers investors transparency.

In other words, suspending the rule is letting the fox into the henhouse.

The other day I voted in favor of the House bailout bill because I trusted Democratic leaders who worked tirelessly to represent Main Street. I still do, but Senate Republicans changed all that.

When Republicans force a bill that ignores the plight of regular Americans but includes so-called sweeteners, that is not worthy of support.

When Republicans force a bill that slips in more earmark spending, that's not worthy of support.

When Republicans force a bill through that includes an accounting gimmick, that is not worthy of support.

The Senate dug an enormous ditch alongside Main Street, and they want the House to drive into it. That is exactly what the President has driven this economy into over the last 7 years.

When Senate Republicans set the agenda, that's just another way of saying they are following the orders of the President who long ago lost all the trust of the American people.

That is not how we are going to restore the trust with the American people. And that is why I voted against the Senate Republican bailout.

□ 1500

There is no question that we need a rescue plan, but the Senate has just made matters worse, and that is pretty hard to do in this economy. Government has a role to play in calming the markets and addressing the economic crisis, but the more we learn, the more convinced I am the latest Senate plan is taking us in the wrong direction.

There are two models that have worked and which would serve as the foundation blocks that we can build upon in a short period of time to produce a plan that Americans could trust and believe in. During the Depression, President Roosevelt developed a Home Loan Housing Corporation that stabilized the housing market and helped homeowners work through the foreclosures. More recently, in the 1990s, Sweden stepped in and assumed temporary control of the financial system, cleaned up the mess, and then got out.

There are models available that we can use to quickly produce a solution that the American people will actually believe in because they will understand it and it will be transparent. The amendment from the Senate was to make it more un-transparent. There is a credit crisis in the United States to be sure, but there is no question today that there is also a trust crisis in America, every bit as damaging and debilitating.

We cannot solve the first crisis before we address the second. Since the current administration precipitated this, we should be focused on rebuilding a new foundation for a new administration to restore the faith and trust of the American people as we work to restore the trust and credit of our financial system.

Since the current administration precipitated this, we should be focused on building a foundation for a new administration to restore the faith and trust of the American people as we work to restore the trust and credit of our financial system.

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.)

## RE-INFLATING THE BUBBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, we have confronted the first financial panic of the ''New Global Economy''—an economy spawned by the fall of the Berlin Wall—and the precedent we set will affect our prosperity, liberty, and posterity for generations.

Unconscionably, we have rushed to misjudgment and approved a $700 billion Wall Street bailout the American people know is intrinsically unfair to them. This truth is self-evident in how, initially, an exiting President and his

Treasury Secretary incited a panic amongst our people and the world, all to compel a compliant Congress to deliver upon this demand: ''Main Street must bail out Wall Street, or how the people will suffer.''

Justly, the people's House voiced the will of the sovereign people and refused. Recalcitrant, the administration zealously intensified its attempt to shift $700 billion worth of consequences from Wall Street onto Main Street and pronounced a new ransom dictum: ''No bailout for Wall Street, no tax relief for Main Street, and how the people will suffer.''

To this demand, the Congress capitulated. The saddest part of this immorality play is how the people will suffer regardless, and they know it. Working Americans, whose well-deserved tax relief must never be predicated upon rewarding others' misdeeds, understand this self-described, short-term stabilization bill cannot claim with certainty to attain its professed intent, let alone solve the new global economy's latest structural dysfunctions.

Worse, as a multitude of economists and entrepreneurs prove, this bailout bill will reinflate the bubble by $700 billion and thereby only delay our day of economic reckoning. It cannot be otherwise because the bailout bill's central economic construct is patently and grossly unfair to Americans.

Succinctly: Congress will buy ''toxic assets'' with your money that private investors won't buy with their own money. What a deal for you. Therefore, belying the ludicrous claims, this bailout is designed to save Wall Street, not Main Street. It is small wonder Americans rejected this odious proposal, and equally unfathomable how Congress ultimately approved it.

In the aftermath, a deeper truth emerges from the ruins. In setting a new economic precedent during this pregnant moment fraught with consequence, we also face a transcendent choice between two competing visions for our Nation's future: Global materialism versus American traditionalism; ''creative destruction'' versus ''innovative restoration''; Wall Street versus Main Street.

In the tumultuous transition from our humane American traditions into an insane global age, we viscerally glean the evolving forces dwarfing our mortal power to protect the cherished realms of faith, family, community and country, while in each heart beats the murmur of Yeats: ''Things fall apart; the centre cannot hold. Mere anarchy is loosed upon the world, the blood-dimmed tide is loosed, and everywhere the ceremony of innocence is drowned. The best lack all conviction, while the worst are full of passionate intensity. Surely some revelation is at hand.''

From this Congress, Americans sought reassurance their representative institutions remained vibrant and sufficient to shelter and steer our Nation through the amoral global flood tide's enveloping chaos. We have answered them today. In voting ''yea,'' you have not solely chosen Wall Street over Main Street, you have chosen the big over the beautiful, the giant over the gentle, the great over the good.

And this decision now shapes our destiny. This being the case, we bailout opponents must grudgingly admit a tinge of envy for its supporters. Tonight, you will go to sleep praying you are right; we will go to sleep praying we are wrong, while in each breast the murmur returns.

Now the future beckons from its ominous shadows, and through the impending gloaming we can but glimpse how the people will suffer. As breaks that nightmarish day, let us arise and combine to transcend the insanity of our age, forge a humane global economy, and restore our American home to a God blessed land of hope, devotion and dreams.

## EMERGENCY ECONOMIC STABILIZATION PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. I thank the speaker very much, and again for his leadership.

I rise not because I would have wanted this vote today on the Emergency Economic Stabilization rescue package to be characterized as it has been characterized as ''a vote of the moment'' historic vote because I believe historic votes are votes that are absolutely imperative, that no one could foresee, that the challenges cannot be handled in any other way.

In this instance, we have been floating money for the past 8 years, ignoring regulation, ignoring the spiraling unemployment. And even though the motives were good to give opportunities to those who eagerly work every day and seek the American Dream, the vehicles, the facilities by which we allowed them or gave them the opportunity to seek and to attain those dreams was not theirs, it was the financial houses that saw big dollars in the eyes, the minds and the hearts of hardworking families that simply wanted to provide a homework desk for their children, their children's own room. So it caught Members, if you will, cast about in the suggestion and the characterization made by the administration, but made as well by media rushing to hysteria.

Then, of course, in the midst of this debate did not come the Senate's vote, which many people will think was one-upsmanship, but really what came as startling numbers—the numbers of 159,000 people who lost their jobs in this last month, the highest in 5 years; the fact that we needed to extend unemployment, not because people are deadbeat, but because they're out of luck, because they need this opportunity; came the number of 759,000 jobs that we have lost; came the unfortunate facts that credit crunching was going on, not necessarily for the seventh grader who may want to go to college 5 years from now, but for the person who desperately needs to buy a car or the small business that desperately needs to make their payroll.

So as a person who voted no because I believe the restraints on the Secretary of the Treasury were unfettered, the vote that I took on Monday, these rising issues drew on my conscience. No one had to call me. I wasn't pushed by this candidate or that candidate. It was the deliberation that Members individually reflected upon as they listened to constituents, as we, in essence, refuted some of their points or agreed with some of those, no to the bailout. But I think we have to take stands sometimes that are painful; and not that anyone should be sympathetic to that, that is our job. But this was not a historic moment. And the only reason I say that is it was the making of something that did not have to happen.

So how do we go forward? Well, I am grateful to a leadership that understood that we had to take this particular position. And they did it with diplomacy and acumen and smartness. So I thank them, all of them, the Democratic leadership. But at the same time, we have to be vigilant. My support came today because I believe that we are, if you will, recessed at the call of the Chair. If we find that this is not helping Mr. and Mrs. America, Mr. and Mrs. Main Street, this Congress can come back lickity split, and I will be there.

We also recognize that there may be unfettered powers by this particular Secretary of the Treasury, but we have the Constitution, we have our powers to stop any use of power that may be abusive.

In addition, we can again question the FDIC and make them function, the SEC, and make it function, the Federal Reserve, and make it function. We should continue to emphasize that those who engage in criminal improprieties should be subject to criminal prosecution. We should press for the American man and woman and homeowner the rights of bankruptcy so individually they can go in in a dignified way and restructure their loan and keep their house.

We should recognize that section 109 should be a section that is required. It has to do with working out mortgages. It says ''encourage it.'' We want to make sure that we prioritize those who are holding bad mortgages, who have a home they want to save, and make sure that the Secretary is working to require them to change.

And on judicial review, we need to make sure that it really works. We need to put aside money for those who need that to restructure their loans.

Mr. Speaker, I close by saying yes, I voted ''aye,'' because those who were victims needed something to move the

credit crunch along so that they could be helped, and I hope that we have done something that makes a difference.

## 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 3, 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 13,038 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 13,038 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 3, 2008, 13,038 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.

## WALL STREET BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I don't think any vote in the Congress has had as much attention in recent years as the vote we took on Monday and the vote that we took today. I think that is good for the American people to have had their focus placed on the Congress in the midst of all that's being said about the presidential debates, the presidential race. In fact, not just because I'm a Member of Congress, but because of what Congress does in relationship to the Presidency, I think it is important that there be more balance in the focus on our branches of government. I think there is not enough about what happens in Congress, and I hope that what happened this week will cause more people to pay attention because every day that we pass a bill, we have an impact on people's lives, and folks can either be proactive or reactive to what we do.

But I think the vote that we took Monday and the vote that we took today was one that everyone—I know in my conference, in the Republican Conference—took extremely seriously. And I have confidence that everyone who cast a vote made a careful decision based on their conscience, and that's the way it should be for every vote that we take.

But now that this bill has passed the Congress, we must work together in a bipartisan way to hold those accountable who got us into this mess. We had many groups this week that worked in a bipartisan way to try to effect this bill. Unfortunately, we were not given a chance to do that because the process promised to us by the Democratic majority has never materialized. We were promised open rules, we were promised debate, we were promised the ability to offer amendments, that was not allowed today, that was not allowed Monday. We could have made a very bad bill better had we had that opportunity.

I do believe that my Republican colleagues who worked on this bill got some good things into the bill, but it was still not a good bill, in my opinion.

We have reckless financial institutions, Freddie Mac, Fannie Mae and those others who are at fault must be held accountable, and we must have meaningful reforms so we don't find ourselves in this situation again.

The problem we're facing now began in the 1990s, when the Federal Government decided to put pressure on mortgage lenders to make loans to high-risk borrowers in order to increase homeownership in America. Increased homeownership is a noble goal and a piece of the American dream, but pushing homeownership for people who could not afford the payments that come with homeownership was a fatally flawed approach. This created a new market for lenders who soon rushed to make heaps of money by inducing people who could only afford small houses to buy large ones instead.

□ 1515

In other words, this crisis has its roots in a failed government botching an attempt to do something good. This is not a crisis of the market. Capitalism works. Our market system works. This is a failure of our government.

Congress must address this underlying problem, in the subprime lending glut that stemmed from Fannie and Freddie's reckless underwriting of subprime lending. Both of these government-sponsored enterprises were ringleaders in the subprime circus, heading up the move into risky lending and even backing much of the financial industry's shaky mortgage loans. By backing the excesses of subprime lending, Fannie and Freddie fed the monster that today threatens our economic strength.

And nothing in the bill that was just passed does anything about that, and that's one of the many flaws of the bill. And today in Congressional Quarterly, we read that there is not the oversight that we need to have, and we need that oversight for this legislation.

Mr. Speaker, I share the belief of my predecessor here: I go to sleep tonight praying that those of us who opposed this bill were wrong and those who supported it were right.

## THE BAILOUT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, today we passed a truly historic bill because the Secretary of Treasury had come forward and told us that if we didn't pass it, we were to be afraid, be very afraid.

So people were beginning to panic around the country. Credit was freezing up. It was before and even more so after he spoke. And so it was necessary that we do something.

For most of us, we heard from a lot of people saying please don't bail out Wall Street, don't give them $700 billion. The last couple of days we heard from car dealers, from bankers, from shopkeepers, small mom and pop businesses about to go out of business saying you've got to do something. So Secretary Paulson's scare tactics had worked. The underlying problems may still be there. In fact, some of them are, and we still need to address them, and I have confidence that we will.

The underlying banks had money. The community banks, solid. But there is a crisis of confidence and lending is coming to a halt.

Now, some problems in the industry were created by Congress where we forced people to lend money to people they wouldn't have otherwise. That's a problem. That needed to be fixed. But we were told basically in theory by the Secretary that this would be a type of shock and awe, that we would put so much money into the Wall Street market that it would shock the economy and people would respond favorably and everything would be great as a result.

I, like my friend Ms. FOXX, hope that this works. I don't think it was necessary. I think it was problematic. And it ought to scare people when the government says, we need $700 billion to bail out an industry and that will make everybody better, and please raise the debt ceiling by $1.3 trillion. I thought it was just $700 billion. Well, we raised the debt ceiling by $1.3 trillion today just in case.

Apparently, the good news is we will spend $700 billion completely at the Secretary of the Treasury's whim, as he determines. You will see in the bill, those that bothered to read it, over and over ''as the Secretary determines,'' ''as the Secretary determines.'' And then we are going to have to hire some people to manage all these assets that we're buying. That may be outside the $700 billion. Maybe that's why we need to raise the limit to $1.3 trillion.

But being an historical fan, being such a student of history, you cannot find in the history of the Nation a time before when this government, this Congress, had so much faith in one person that they said, ''Here is $700 billion. Do with it as you will. Make our Nation well.''

Now, if you go back before our Constitution of 1787, you will find that one time something like this was done, in 1776, December 27 to be exact. Many of the people that had signed up in the Army had done so for 6 months, and they signed up around the time of the Declaration of Independence; so their time was going to be up in January. The Continental Congress heard that many of them would not reenlist; so they were scared.

George Washington never asked for this kind of power, but they knew this man. They knew he was not in it for himself and he wouldn't reward his friends. He was doing everything he could, to the tune of sacrificing his life and his fortune to help create this great land. So they gave him this power. He didn't use it. When he tried to get the guys to enlist, he gave one of the most impassioned speeches, and his pure leadership and example was enough to inspire them.

Well, there's a picture in the Rotunda just down the hall of him coming in. He wrote Bible verses on his resignation, and he tendered the resignation and did something no one had ever done in history: led a Revolutionary Army, won the Revolution, and then came in, resigned, and went home. Nobody had ever done it before or since. They could trust that man.

I've studied history. I am a fan of George Washington. He is a hero of mine. And Secretary Henry Paulson is no George Washington.

So let me leave you with this: When you hear anybody in the government say ''We're going to take your tax dollars and we're going to make you money,'' then that's when you need to be afraid because they have moved over into the socialist realm. And you can always make more money than the government can.

That's the thought I leave with you, with the hope and prayer that this does inspire the confidence that was looked for so the economy does free up. I had hoped leadership would do it, but now apparently it will take $700 billion, and may God help us all.

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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.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## THE MAJORITY PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, this has been one heck of a day here on Capitol Hill. As a matter of fact, it's been one heck of a week.

About 13 days ago, the Secretary of the Treasury came down to Capitol Hill, said that our markets are a mess, Wall Street's a mess, and if we don't give him $700 billion immediately, it's going to be a big problem. And we take that seriously.

But then there was a little investigation, and they asked the Treasury, Where did you come up with the number $700 billion? Well, they answered it last week in Forbes Magazine, and here's the Treasury spokeswoman's quote: ''It's not based on any particular data point. We just really wanted to come up with a really big number.''

Well, they succeeded. Seven hundred billion dollars is a really, really big number. It means really, really big things to Americans.

A lot of us, because the Treasury Secretary also indicated that he could only spend $50 billion of your money a month, we had an amendment last night and we said let's make it a lot less. Let's save half a trillion dollars, and let's give him some money. If he's right, he can rescue the economy and everything will be all right. We're going to put in place some reforms, and we will come back on November 17 and we will figure out whether it's working or not. That sounded like a pretty reasonable plan to a lot of reasonable people.

But that didn't happen. People who watch the House know that everything that comes to the floor comes to the floor pursuant to a rule. And the Rules Committee voted on that proposal last night, to save half a trillion dollars. And they voted ''no,'' 8–4. And, sadly, all 8 were members of the Democratic Party.

Each of us represents about 600,000 people. So 4.8 million people basically, through their representatives, denied 305 million Americans the opportunity to have a vote, to take 10 minutes and take a vote about whether or not we could save half a trillion dollars and perhaps not give the whole $700 billion of tax money to the Treasury.

Then the bill left the House, and it went over to our good friends in the Senate, who, of course, are very fiscally conservative. They're wiser than we are because they have 6-year terms; we only have 2-year terms. And do you think that they just were happy sending it back to us at $700 billion? No. They sent it back to us at $850 billion, and they added such wonderful things like $192 million for rum.

Now, listen, I like rum. And it may be some of the Senators were nervous that they were losing the pirate vote. I don't know. But there's $192 million for rum, $100 million for NASCAR. I like NASCAR, but what's it doing in this bill saving the treasury? There's $81 billion to Hollywood and $2 million for wooden arrows for children.

Now, listen, all of these projects might be okay. They don't belong in a bill when the administration is saying that we need to act now or else the economy's going to melt down.

But, you know, some of my friends back home say, well, 3 weeks, okay, if it's an emergency. What have you guys been doing?

Well, we had in August a little discussion around here, and I don't know how Mr. MCCOTTER from Michigan feels, but my constituents were not really happy when gasoline went to $4 a gallon. And I'll bet we were probably talking about that and that's why we couldn't get to the economy.

Well, this Congress started in January of 2007. Gas was $2.22 a gallon. People said that's high, but, okay, I can get by. So the Congress got together and we decided—actually, it was the Democratic majority that decided that the most important thing that we could discuss on that day was congratulating the University of California at Santa Barbara soccer team for their championship. I like soccer. That's important. I'm sure their parents are real proud. But gas is $2.22.

Well, then it goes up to $2.84. And people say, well, sure, I'll bet now you're going to try to figure out an energy policy for the country. Well, on that day we declared it National Passport Month. And I know that everybody in America, when they filled up their gas tank at $2.84 a gallon, said, well, I know it's expensive but at least it's National Passport Month.

Then gas went up to $3.03. And we have all been told that we have to get the vote of the soccer moms to be reelected. So we tried that again. When gas was at $3.03, we commended the Houston Dynamo soccer team because we really like soccer.

Well, gas goes up to $3.77. Surely now your elected representatives in Washington get the picture, that we're going to vote on gas. We declared it National Train Month, folks. National Train Month.

Well, then it goes up a little higher, $3.84 a gallon. Your Congress, thanks to the new majority, figures the most important issue is the Great Cats and Rare Canids. And for those of us who don't follow this, canids are dogs. So basically we were voting on foreign aid for cats and dogs rather than dealing with energy.

Then it goes to $4.09. The first time in my history I paid over $4 for gasoline. Well, we're going to act on your behalf: We declared it International Sanitation Month because we really felt your pain.

It crested $4.14 on June 17 of this year. You know that the United States Congress was grappling with energy prices. You know that the United States Congress had to be grappling with this meltdown of the economy. The majority party that day decided that the most important issue facing America was the Monkey Safety Act.

Now, folks, you deserve better than the Monkey Safety Act. You deserve lower gas prices. And, folks, you deserve a better bill than you got today.

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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.)

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## HOUSE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

July 10, 2008:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

July 15, 2008:

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

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

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

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

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

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

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5168. An act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5517. An act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

H.R. 6040. An act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

July 17, 2008:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

July 21, 2008:

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3891. An act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

July 23, 2008:

H.R. 3403. An act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

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

July 29, 2008:

H.R. 1553. An act to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.

H.R. 3890. An act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

H.J. Res. 93. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

July 30, 2008:

H.R. 3221. An act to provide needed housing reform and for other purposes.

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3985. An act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. An act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

H.R. 5501. An act to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

July 31, 2008:

H.R. 4841. An act to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes.

August 12, 2008:

H.R. 2245. An act to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic.

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. An act to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. An act to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. An act to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. An act to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

H.R. 6340. An act to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr., Federal Building and United States Courthouse''.

August 14, 2008:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 6432. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.

August 29, 2008:

H.R. 6580. An act to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

September 15, 2008:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

September 19, 2008:

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

September 22, 2008:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

September 26, 2008:

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

September 30, 2008:

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. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 6984. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

July 17, 2008:

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

July 23, 2008:

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

July 29, 2008:

S. 2766. An act to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

July 30, 2008:

S. 231. An act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3218. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

July 31, 2008:

S. 2565. An act to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.

S. 3298. An act to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

August 12, 2008:

S. 3294. An act to provide for the continued performance of the functions of the United States Parole Commission.

S. 3295. An act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

September 17, 2008:

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

September 18, 2008:

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

September 19, 2008:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

September 24, 2008:

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

September 25, 2008:

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

September 30, 2008:

S. 171. An act to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce. Oklahoma, as the ''Mickey Mantle Post Office Bnilding''.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

S. 3241. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

October 1, 2008:

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 1:45 p.m. on account of personal reasons.

## 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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. LATOURETTE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

## 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:

H.R. 1424. To provide authority for the Federal Government to purchase and insure certain types of troubled assets for the purposes of providing stability to and preventing disruption in the economy and financial system and protecting taxpayers, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

H.R. 1594. An act to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

H.R. 1714. An act to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P.

H.R. 2095. An act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

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. 3511. An act to designate the facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, as the ''Murphy A. Tannehill Post Office Building.''

H.R. 4544. An act to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

H.R. 6045. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

H.R. 6063. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

H.R. 6073. An act to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically.

H.R. 6083. An act to authorize funding to conduct a national training program for State and local prosecutors.

H.R. 6199. An act 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''.

H.R. 6229. An act to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the 'Mayor William 'Bill' Sandberg Post Office Building'.

H.R. 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. 6338. An act to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''.

H.R. 6353. An act to amend the Controlled Substances Act to address online pharmacies.

H.R. 6524. An act to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

H.R. 6531. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

H.R. 6681. An act to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''.

H.R. 6847. An act to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the ''First Lieutenant Noah Harris Ellijay Post Office Building''.

H.R. 6874. An act to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, as the ''Lance Corporal Eric Paul Valdepenas Post Office Building''.

H.R. 7081. An act to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

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.

H.R. 7084. An act to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

H.R. 7177. An act to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes.

H.R. 7198. An act to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 3001. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

## ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, pursuant to House Concurrent Resolution 440, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 29 minutes p.m.), the House adjourned until Saturday, January 3, 2009, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8985. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Docket Number AMS-TM-08-0025; TM-08-05FR] (RIN: 0581-AC81) received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8986. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Increased Assessment Rate [Docket No. AMS-FY-08-0052; FV08-922-1 FR] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8987. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Reinstatement of the Continuing Assessment Rate [Docket No. AMS-FV-08-0048; FV08-948-2 FR] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8988. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Relaxation of Handling and Import Regulations [Docket No. AMS-FV-08-0036; FV08-946-1 IFR] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8989. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Fluid Milk Substitutions in the School Milk Programs — received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0381; FRL-8383-9] received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8991. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cymoxanil; Pesticide Tolerances [EPA-HQ-OPP-2007-1191; FRL-8382-9]

received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8992. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance to the Taipei Economic Cultural Representative Office in the United States and for defense articles and services (Transmittal No. 08-46), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8993. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 08-56), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8994. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 08-47), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8995. 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 the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 08-57), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8996. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 08-41), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8997. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 08-70), pursuant to 22 U.S.C. 2776(b); to the Committee on Armed Services.

8998. A letter from the Principal Deputy, Department of Defense, transmitting authorization of 3 officers to wear the authorized insignia of the next higher grade, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8999. A letter from the Principal Deputy, Department of Defense, transmitting authorization of two officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

9000. A letter from the Assistant to the Secretary of Defense, Department of Defense, transmitting the Department's annual report on the use of the authority under section 1034(a) during the previous calendar year to make available small Defense quantities of toxic agent or precursor to a State, a unit of local government, or a private entity incorporated in the United States, pursuant to Public Law 110-181; section 1034(d); to the Committee on Armed Services.

9001. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9002. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-1005] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9003. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8041] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9004. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Rules of Practice for Hearings [Docket No. R-1333] received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9005. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — Americorps National Service Program (RIN: 3045-AA23) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9006. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, ''Effects of a Transition to a Hydrogen Economy on Employment in the United States,'' pursuant to Public Law 109-58, section 1820(b); to the Committee on Education and Labor.

9007. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

9008. A letter from the Assistant Secretary Electricity and Energy Reliability, Department of Energy, transmitting the Department's final report on the Navajo Electrification Demonstration Program, pursuant to Public Law 106-511, section 602(d); to the Committee on Energy and Commerce.

9009. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Self-Directed Personal Assistance Services Program State Plan Option (Cash and Counseling) [CMS-2229-F] (RIN: 0938-AO52) received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9010. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [EPA-HQ-OAR-2005-0161; FRL-8723-3] (RIN: 2060-AO80) received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9011. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Revised Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana [EPA-R05-OAR-2007-0952; FRL-8722-8] received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Maine [ME-064-7013a; A-1-FRL-8719-7] received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Removal of Vehicle Inspection and Maintenance Programs for Cincinnati and Dayton [EPA-R05-OAR-2007-1100; FRL-8723-9] received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — The Treatment of Data Influenced by Exceptional Events (Exceptional Event Rule): Revised Exceptional Event Data Flagging Submittal and Documentation Schedule to Support Initial Area Designations for the 2008 Ozone NAAQS [EPA-HQ-OAR-2005-0159; FRL-8725-5] (RIN: 2600-AP28) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9015. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Consumer and Commercial Products, Group IV: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives [EPA-HQ-OAR-2008-0411; FRL-8725-9] (RIN: 2060-AP01) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9016. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of Section 110(a)(1) Maintenance Plans for the 1997 8-Hour Ozone Standard for the Parishes of Calcasieu and St. James [EPA-2006-OAR-2007-0659; FRL-8727-2] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9017. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Motor Vehicle Emissions Budgets, and Revised 2002 Base Year Emissions Inventory; Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area [EPA-R06-OAR-2007-0525; FRL-8726-2] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9018. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Technical Specifications — Restoring the Original Paragraph Designations [[NRC-2008-0263][PRM-50-91]] (RIN: 3150-AI41) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9019. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inflation Adjustment To The Price-Anderson Act Financial Protection Regulations [NRC-2008-0512] (RIN: 3150-AI44) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9020. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Air Force's Proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services (Transmittal No . 08-89), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

9021. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada (Transmittal No. DDTC 114-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

9022. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services to Bahrain (Transmittal No. DDTC 126-08), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

9023. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Simplification [Docket No. 080211163-81224-01] (RIN: 0694-AE18) received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

9024. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2007, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28, Section 1224 of Pub. L. 110-181, and Section 9204 of Pub. L. 110-252; to the Committee on Foreign Affairs.

9025. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995; to the Committee on Foreign Affairs.

9026. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 3G for fiscal years 2006 through 2008, as of March 31, 2008,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

9027. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 2B for Fiscal Years 2006 through 2008, as of March 31, 2008,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

9028. A letter from the Secretary, Department of Agriculture, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commerical activities for fiscal year 2007; to the Committee on Oversight and Government Reform.

9029. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendment [FAC 2005-27; Item XIV; Docket FAR-2008-0007; Sequence 1] received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9030. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-027, Accepting and Dispensing of $1 Coin [FAC 2005-27; FAR Case 2006-027; Item XIII; Docket 2007-0001; Sequence 5] (RIN: 9000-AK54) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9031. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-022, Subcontractor Requests for Bonds [FAC 2005-27; FAR Case 2007-022; Item VII; Docket 2008-0001; Sequence 13] (RIN: 9000-AL03) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9032. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-002, Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items [FAC 2005-27; FAR Case 2008-002; Item VIII; Docket 2008-0001; Sequence 11] (RIN: 9000-AL02) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9033. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-006; Enhanced Competition for Task and Delivery Order Contracts-Section 843 of the Fiscal Year 2008 National Defense Authorization Act [FAC 2005-27; FAR Case 2008-006; Item IX; Docket 2008-01, Sequence 5] (RIN: 9000-AL05) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9034. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-002, Cost Accounting Standards (CAS) Administration and Associated Federal Acquisition Regulation Clauses [FAC 2005-27; FAR Case 2007-002; Item XI; Docket 2008-0001, Sequence 7] (RIN: 9000-AL09) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9035. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-27; Small Entity Compliance Guide [Docket FAR 2008-0003; Sequence 2] received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9036. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-004, CAS Administration [FAC 2005-27; FAR Case 2006-004; Item XII; Docket 2008-0001; Sequence 14] (RIN: 9000-AK58) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9037. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-018, Contract Debts [FAC 2005-27; FAR Case 2005-018; Item VI; Docket 2006-0020; Sequence 11] (RIN: 9000-AK59) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9038. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-007, Additional Requirements for Competition Advocate Annual Reports [FAC 2005-27; FAR Case 2007-007; Item V; Docket 2008-001; Sequence 17] (RIN: 9000-AL08) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9039. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-014, Local Community Recovery Act of 2006 [FAC 2005-27; FAR Case 2006-014; Item IV; Docket 2007-0001; Sequence 7] (RIN: 9000-AK54) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9040. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-015, Administrative Changes to the FPI Blanket Waiver and the JWOD Program Name [FAC 2005-27; FAR Case 2007-015; Item III; Docket 2008-0001; Sequence 16] (RIN: 9000-AK96) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9041. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-001, Changing the Name of the Office of Small and Disadvantaged Business Utilization for DoD [FAC 2005-27; FAR Case 2008-001; Sequence 12] (RIN: 9000-AL04) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9042. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-020, Correcting Statutory References Related to the Higher Education Act of 1965 [FAC 2005-27; FAR Case 2007-020; Item I; Docket 2008-0001; Sequence 15] (RIN: 9000-AL06) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9043. A letter from the Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-27; Introduction [Docket FAR 2008-0003; Sequence 2] received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9044. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9045. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9046. A letter from the Acting Chairman, National Transportation Safety Board, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Board's inventory of commerical activities for 2008; to the Committee on Oversight and Government Reform.

9047. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9048. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Testimony by OPM Employees Relating to Official Information and Production of Official Records in Legal

Proceedings (RIN: 3206-AL22) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9049. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule — FEDERAL EMPLOYEES GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION: Board of Contract Appeals (RIN: 3206-AL46) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9050. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Acquisition Regulation: Board of Contract Appeals (RIN: 3206-AL35) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

9051. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Abandoned Mine Land Reclamation Plan [SATS No. WY-036-FOR; Docket ID OSM-2008-0008] received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9052. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [[FWS-R9-MB-2008-0032][91200-1231-9BPP- 2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9053. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Revisions to Migratory Bird Import and Export Regulations [[FWS-R9-MB-2007-0012][91200-1231-9BPP]] (RIN: 1018-AV35) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9054. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [[FMS-R9-MB-2008-0032][9 200-1231-9BPP-L2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9055. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2008-09 Late Season [[FWS-R9-MB-2008-0032][91200-1231-9BPP-L2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9056. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — 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 [[FWS-R9-MB-2008-0032][91200-1231-9 PP-L2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9057. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2008-09 Early Season [[FWS-R9-MB-2008-0032][91200 1231-9BPP-L2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9058. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [[FWS-R9-MB-2008-0032][91200-1231-9BPP- 2]] (RIN: 1018-AV62) received October 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9059. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Royalty Relief for Deepwater Outer Continental Shelf Oil and Gas Lease — Conforming Regulations to Court Decision [Docket ID: MMS-2007-OMM-0074] (RIN: 1010-AD29) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9060. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors [Docket No. 080408542-8615-01] (RIN: 0648-XK03) received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9061. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Issuance of a Visa and Authorization for Temporary Admission into the United States for Certain Nonimmigrant Aliens Infected with HIV [USCBP-2007-0084; CBP Dec. 08-41] (RIN: 1651-AA71) received October 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9062. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal relating to amending the Classified Information Procedures Act (''CIPA''); to the Committee on the Judiciary.

9063. A letter from the Industry Operations Specialist, Department of Justice, transmitting the Department's final rule — Technical Amendments to Regulations in Title 27, Chapter II (2006R-6P) [Docket No. ATF 11F; AG Order No. 3006-2008] (RIN: 1140-AA32) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9064. A letter from the Administrator, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3290-EM in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

9065. A letter from the Administrator, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3289-EM in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

9066. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's Annual Report on Transportation Security, pursuant to 49 U.S.C. 44938; to the Committee on Transportation and Infrastructure.

9067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 175 and 175A Airplanes [Docket No. FAA-2007-29240; Directorate Identifier 2007-CE-076-AD; Amendment 39-15618; AD 2008-15-06] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9068. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Co. (GE) CF34-8E Series Turbofan Engines [Docket No. FAA-2008-0821; Directorate Identifier 2008-NE-20-AD; Amendment 39-15619; AD 2008-16-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9069. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 528, 529, 532, 535, 542, and 552 Series Turboprop Engines [Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD; Amendment 39-15623; AD 2008-16-05] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9070. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2008-0733; Directorate Identifier 2008-NM-114-AD; Amendment 39-15617; AD 2008-15-05] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9071. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters (Also: Part 1, 409A; 1.409A-1) (Rev. Proc. 2008-61) received September 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part I, 430.) (Rev. Proc. 2008-62) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9073. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Countries [Notice 2008-86] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part I. Sections 103(c), 105(e), 117(b)(2)(A), 164, 170, 403(b)(1)(A)(ii), 454(b)(2), 511(a)(2)(B), 2055, 2106(a)(2), 2522, 4041(g), 4216, 4253(i), 4483(a), 4911, 4940(c), 4941(d), 4942(f), 4945(f), 4946(c),) (Rev. Proc. 2008-55) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9075. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations. (Also Part 1, 61, 1001) (Rev. Proc. 2008-58) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9076. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Expanded Temporary Rule Allowing Governmental Issuers to Purchase Their Own Tax-Exempt Bonds [Notice 2008-88] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9077. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated static mortality tables for the years 2009 through 2013. [Notice 2008-85] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9078. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — APPLICATION OF SECTION 382(h) TO BANKS [Notice 2008-83] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9079. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 382 in the Case of Certain Acquisitions Made by the United States [Notice 2008-84] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9080. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — CAPITAL CONTRIBUTIONS UNDER SECTION 382(I)(1) [Notice 2008-78] received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9081. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations. (Also Part I, 1058) (Rev. Proc. 2008-63) received October 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9082. A letter from the Chairman, United States International Trade Commission, transmitting the thirteenth annual report on the Andean Trade Preference Act (ATPA) entitled ''Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution,'' pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

9083. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's annual report on medicare fiscal intermediaries and carriers' information security programs, pursuant to Section 912 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

## 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. CONYERS: Committee on the Judiciary. H.R. 1071. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; with an amendment (Rept. 110–909). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 6870. A bill to ensure that implementation of proposed regulations under subchapter IV of chapter 53 of title 31, United States Code, does not cause harm to the payments system, and for other purposes; with an amendment (Rept. 110–910). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 6034. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; with an amendment (Rept. 110–911). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 6020. A bill to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes (Rept. 110–912). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5546. A bill to amend the antitrust laws to ensure competitive market-based rates and terms for merchants' access to electronic payment systems; with an amendment (Rept. 110–913). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. Report On Challenges and Recommendations for United States Overhead Architecture (Rept. 110–914). Referred to the Committee of the Whole House on the State of the Union.

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 January 3, 2009.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than January 3, 2009.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 3, 2009.

H.R. 1746. Referral to the Committees on Foreign Affairs, Oversight and Government Reform, and the Judiciary extended for a period ending not later than January 3, 2009.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 3, 2009.

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than January 3, 2009.

H.R. 6598. Referral to the Committee on Agriculture extended for a period ending not later than January 3, 2009.

## 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. CLAY:

H.R. 7252. A bill to designate the structure of the Gateway Arch and the Old St. Louis Courthouse as National Historic Landmarks, to designate the grounds of the Jefferson National Expansion Memorial surrounding the Arch for inclusion on the National Register of Historic Places, and for other purposes; to the Committee on Natural Resources.

By Mr. ADERHOLT:

H.R. 7253. A bill to enhance economic growth and promote the stability of the financial system of the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 7254. A bill to prohibit government-sponsored enterprises from making lobbying expenditures, political contributions, or other certain contributions; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD:

H.R. 7255. A bill to reform immigration detention procedures, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY:

H.R. 7256. A bill to require Federal agencies to procure electronic products meeting the requirements of the Electronic Product Environmental Assessment Tool (EPEAT), and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. BOYDA of Kansas:

H.R. 7257. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Financial Services.

By Mr. DELAHUNT:

H.R. 7258. A bill to create a new Consumer Credit Safety Commission, to provide individual consumers of credit with better information and stronger protections, and to provide sellers of consumer credit with more regulatory certainty; to the Committee on Financial Services.

By Ms. ESHOO (for herself and Mr. ISSA):

H.R. 7259. A bill to amend the National Security Act of 1947 to revise reporting requirements related to security clearances; to the Committee on Oversight and Government Reform, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 7260. A bill to increase the quality and public accessibility of research by the Board of Governors of the Federal Reserve System on the effects of monetary policy on the distribution of wealth in the United States, and the proportion of newly created monetary resources directed into various sectors of the economy, and for other purposes; to the Committee on Financial Services.

By Ms. FOXX:

H.R. 7261. A bill to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. GOHMERT (for himself, Mrs. DRAKE, Mrs. BLACKBURN, Ms. FOXX, Mr. BROUN of Georgia, Mr. MCCOTTER, Mr. FEENEY, and Mr. NUNES):

H.R. 7262. A bill to reform the Federal Deposit Insurance System, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of New York:

H.R. 7263. A bill to amend chapters 81, 83, and 84 of title 5, United States Code, to provide for enhanced benefits for survivors of Federal public safety officers killed in the line of duty; to the Committee on Oversight and Government Reform.

By Mr. KING of Iowa (for himself, Mrs. BACHMANN, Mr. LINDER, Mr. GINGREY,

Mr. BROUN of Georgia, Ms. FOXX, Mr. ROHRABACHER, Mr. POE, Mr. SALI, and Mr. GOHMERT):

H.R. 7264. A bill to amend the Internal Revenue Code of 1986 to provide for economic stabilization, capital utilization, and enterprise reform, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. HONDA):

H.R. 7265. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Presidential designee responsible for carrying out Federal functions under the Act to have experience in election administration and be approved by the Senate, to establish the Overseas Voting Advisory Board to oversee the administration of the Act so that American citizens who live overseas or serve in the military can participate in elections for public office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 7266. A bill to amend the Federal securities laws to enhance oversight over certain derivatives dealers and hedge funds, reduce the potential for such entities to increase systemic risk in the financial markets, enhance investor protections, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 7267. A bill to amend the Fair Credit Reporting Act with respect to requirements relating to information contained in consumer reports, and for other purposes; to the Committee on Financial Services.

By Mr. ROSKAM:

H.R. 7268. A bill to amend the Clean Air Act to clarify that certain conversions of engines and motor vehicles from conventional fuels to clean alternative fuels will not require additional certifications, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SALI:

H.R. 7269. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the sale of troubled assets; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself and Mr. LOBIONDO):

H.R. 7270. A bill to provide for a temporary increase in the maximum insured amount limitation for deposit insurance and credit union share insurance to $250,000, and for other purposes; to the Committee on Financial Services.

By Mr. EMANUEL:

H. Res. 1527. 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; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign 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. Considered and agreed to.

By Mr. DAVIS of Alabama:

H. Res. 1528. A resolution honoring the life and recognizing the accomplishments of civil rights leader J.L. Chestnut, Jr.; to the Committee on the Judiciary.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

371. The SPEAKER presented a memorial of the Senate of California, relative to Senate Joint Resolution No. 27—Relative to tax credits for renewable energy technologies; to the Committee on Ways and Means.

372. Also, a memorial of the Senate of California, relative to Senate Joint Resolution No. 28—Relative to nutrition; jointly to the Committees on Energy and Commerce and Agriculture.

373. Also, a memorial of the Senate of California, relative to Senate Joint Resolution No. 25—Relative to fibromyalgia; jointly to the Committees on Ways and Means and Energy and Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SMITH of New Jersey introduced a bill (H.R. 7271) for the relief of Alyssa Chaconis; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 715: Mr. KIRK.
H.R. 861: Mr. UDALL of New Mexico.
H.R. 997: Mr. LATTA.
H.R. 1110: Mr. KNOLLENBERG.
H.R. 1653: Mrs. MCCARTHY of New York and Mr. ACKERMAN.
H.R. 1691: Mr. BLUMENAUER.
H.R. 1738: Mr. REICHERT.
H.R. 1820: Mr. HALL of New York.
H.R. 1884: Mr. CAZAYOUX.
H.R. 2205: Mr. ROSKAM.
H.R. 2606: Mr. BISHOP of New York.
H.R. 3140: Mrs. MUSGRAVE and Mr. LATOURETTE.
H.R. 3652: Mr. ELLISON, Mr. HALL of New York, Ms. KILPATRICK, Ms. SHEA-PORTER, and Mr. BISHOP of Georgia.
H.R. 3929: Mr. INSLEE.
H.R. 4992: Mr. COHEN.
H.R. 4993: Mr. COHEN.
H.R. 5448: Ms. LORETTA SANCHEZ of California.
H.R. 5535: Mr. MURPHY of Connecticut.
H.R. 5580: Mr. KUCINICH.
H.R. 5585: Mr. SIRES.
H.R. 5660: Mr. COHEN.
H.R. 5748: Ms. GRANGER.
H.R. 5901: Mr. KUCINICH and Mr. HINCHEY.
H.R. 6116: Mr. PASTOR.
H.R. 6205: Mr. UDALL of Colorado.
H.R. 6310: Mr. PLATTS.
H.R. 6561: Ms. WATERS.
H.R. 6598: Ms. ROYBAL-ALLARD.
H.R. 6603: Mr. KAGEN and Mr. HILL.
H.R. 6617: Mr. REYES.
H.R. 6691: Mr. UDALL of Colorado and Mr. LAMBORN.
H.R. 6791: Mr. KAGEN.
H.R. 6798: Mr. HOLT.
H.R. 6856: Mr. KUCINICH.
H.R. 6867: Mr. CHILDERS, Mr. CARSON, Ms. CASTOR, Mr. ELLISON, Mr. FOSTER, Mr. HALL of New York, Mr. HARE, Mr. HILL, Ms. HIRONO, Ms. SUTTON, Mr. YARMUTH, and Mr. PORTER.
H.R. 6873: Mr. KAGEN.
H.R. 6939: Mr. BRADY of Pennsylvania.
H.R. 6949: Mr. CASTLE.
H.R. 6955: Mr. LAMBORN.
H.R. 6962: Mr. FRANK of Massachusetts and Mr. HINCHEY.
H.R. 7033: Ms. LORETTA SANCHEZ of California.
H.R. 7040: Mr. NADLER and Mr. LEWIS of Georgia.
H.R. 7071: Mr. SALI and Mr. LAMBORN.
H.R. 7104: Mr. SMITH of New Jersey.
H.R. 7143: Mr. MCGOVERN.
H.R. 7208: Ms. LEE and Mrs. CHRISTENSEN.
H.R. 7219: Mr. MCNULTY and Mr. SERRANO.
H.R. 7225: Ms. MATSUI and Mrs. CHRISTENSEN.
H.R. 7235: Mr. MITCHELL.
H.R. 7241: Mr. PALLONE, Mr. HINCHEY, Mrs. LOWEY, Ms. CLARKE, Mr. HIGGINS, Mr. BISHOP of New York, Mr. MCNULTY, Mr. ISRAEL, Mr. WALSH of New York, Mr. ARCURI, Mr. ACKERMAN, Mr. NADLER, Mr. MEEKS of New York, Ms. HARMAN, Mrs. MALONEY of New York, and Mr. SERRANO.
H.J. Res. 68: Mr. COHEN.
H. Con. Res. 397: Ms. LORETTA SANCHEZ of California.
H. Con. Res. 424: Mr. BISHOP of Georgia, Mr. HOLT, Mr. BACA, Ms. DELAURO, Mr. WU, and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 425: Mr. GENE GREEN of Texas, Mr. HINCHEY, Ms. GRANGER, Mr. SHUSTER, and Mr. PICKERING.
H. Con. Res. 427: Mr. JOHNSON of Georgia, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. ALLEN, Mr. MARKEY, and Mr. BERMAN.
H. Res. 1268: Mr. FRANK of Massachusetts.
H. Res. 1328: Mr. LEWIS of Georgia.
H. Res. 1462: Mr. LAMBORN.
H. Res. 1477: Mr. HAYES.
H. Res. 1524: Mr. DANIEL E. LUNGREN of California and Mr. MCCARTHY of California.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

330. The SPEAKER presented a petition of the Veterans of Foreign Wars of the United States, relative to Resolution No. 421 relating to the Congressional Gold Medal for All Code Talkers; to the Committee on Financial Services.

331. Also, a petition of the Veterans of the Foreign Wars of the United States, relative to Resolution No. 442 on the U.S.-Russia Joint Commission on POW/MIA Affairs; to the Committee on Foreign Affairs.

332. Also, a petition of the Village of Palm Springs, relative to a proclamation for ''Who Named America? Youth Education Month''; to the Committee on Oversight and Government Reform.

333. Also, a petition of the Veterans of Foreign Wars of the United States, relative to Resolution No. 420 to investigate the Israeli attack on the USS *Liberty*; jointly to the Committees on Foreign Affairs and Armed Services.

334. Also, a petition of the Veterans of Foreign Wars of the United States, relative to Resolution No. 448 pertaining to Energy Dependence and National Security; jointly to the Committees on Armed Services, Science and Technology, Natural Resources, Homeland Security, Ways and Means, and Energy and Commerce.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 17 by Mr. CANNON on H.R. 6211: Pete Sessions and Lynn A. Westmoreland.

# EXTENSIONS OF REMARKS

## FINANCIAL OVERSIGHT

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. FOXX. Madam Speaker, I submit the following articles for the RECORD:

OVERSEERS PLAN FOR UNPRECEDENTED TASK

(By Joseph J. Schatz and Phil Mattingly)

If the House clears the financial bailout package, the federal government within weeks will be wielding new authority to buy hundreds of billions of dollars worth of mortgages.

And thanks to provisions added by lawmakers during the past two weeks, Congress would be ready to effectively oversee the program.

At least that's the plan.

But in order to work, both the program itself and the oversight entities that are supposed to hold it accountable might require a significant infusion of financial markets expertise—perhaps from firms that have collapsed during the recent turmoil on Wall Street.

The process of managing, implementing and contracting out a huge program—in many ways akin to an investment bank located in the Treasury Department—would present Congress with a unique oversight challenge. Some suggest lawmakers would be hard-pressed to keep track of what's going on.

''It's almost a retail operation, and you can't constantly be coming back to some congressional board for oversight or something like that,'' William Gale, director of the Brookings Institution's economic studies program, said during an Oct. 1 discussion on the bailout package. ''Mainly what's going to happen, is Treasury is going to do it, and they'll report back to the public now and then. But I just don't see a strong role for oversight in all this, despite what people say.''

If the House follows the Senate's lead and clears the package, the Treasury Department wants to begin buying financial institutions' shaky assets ''as quickly as possible.'' White House spokesman Tony Fratto said Thursday. ''It's a complicated thing that they'll be trying to put in place, and I'll let them explain it. . . . I think it's at least weeks.''

At its core, the bill would set up a Troubled Assets Relief Program (TARP) at Treasury with authority to purchase mortgages or mortgage-related securities. As requested by Treasury Secretary Henry M. Palson Jr., Treasury could decide whether those purchases occur through an auction process or directly from a financial firm.

''There's a lot to work out and plan in terms of managing that process,'' said Paul Wachtel, an economics professor at the Stern School of Business at New York University.'' Developing a bureaucracy that can do so well is not a simple problem.''

''I think whomever is elected [president] in a month or so ought to designate his secretary of the Treasury pretty quickly,'' House Financial Services Chairman Barney Frank, D-Mass., said Thursday on CNBC.

OUTSIDE HELP NEEDED

The Treasury Department might contract out a great deal of the work to stressed financial institutions—a possibility that some watchdogs see as raising conflicts of interest. The legislation would waive the normal federal contracting process.

''For all of the oversight, there may not be much in the form of accountability,'' said Gary D. Bass, founder and executive director of OMB Watch. ''You have to consider the possibility that some of the people who got us into this in the first place are the people who will be getting these jobs. Does it mean Goldman Sachs is now going to be arm-and-arm with the federal government?''

And as it assembles its oversight operation, Congress might also need to bring in help from Wall Street.

The legislation passed by the Senate and awaiting House action would set up three oversight functions.

The first would be a board composed of the Treasury secretary, the chairman of the Federal Reserve, the commissioner of the Securities and Exchange Commission, the Housing and Urban Development secretary and the Federal Housing Finance Agency director. That panel would review such things as appointments, how the Treasury Department determines which assets to buy and how the purchases are made.

The bill would also create a bipartisan panel of two House members and two senators that would submit reports to Congress on the program's transparency, effectiveness and market impact.

But most of the oversight responsibility would fall on the Government Accountability Office, an arm of Congress. The bill would empower the GAO's top official, the comptroller general, to set up an office within Treasury at Treasury's expense to conduct detailed oversight including yearly audits. The CAO would have access to all records, books and accounts.

That oversight office would be an enormous undertaking likely to require a large number of new personnel with significant financial acumen.

All three oversight bodies would issue reports to a newly established inspector general appointed by the president. That person would have a $50 million budget and would coordinate all audits and investigations.

''You would have to hire people with the kinds of expertise [the government agencies] do not have at the current time,'' said NYU's Wachtel, noting that could mean an influx of Wall Street finance experts. ''The kind of people who understand the structure of these securities would be helpful,'' Wachtel said. ''That understanding is not widespread. . . . That's one of the reasons we got to where we are.''

Some outside observers are impressed by the accountability Congress has tried to write into the legislation.

''They tried to build some accountability into this process while still allowing for some free-form experimentation with the program itself because they're not sure exactly how it's run,'' Thomas Mann, a senior fellow at Brookings, said at the Oct. 1 roundtable.

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[From CQToday, Friday, Oct. 3, 2008]

OVERSIGHT PROVISIONS

OVERSIGHT BOARD

A Financial Stability Oversight Board would review the Treasury Department's use of the authority granted to it by the bill and the effect of the department's actions on financial and housing markets. The board would also make recommendations to Treasury regarding use of its authority and would report any suspected fraud, misrepresentation or malfeasance to the special inspector general for the program. It also could appoint a credit review committee to evaluate how Treasury exercises its authority to buy troubled assets.

The board would consist of the chairman of the Federal Reserve Board, the Treasury secretary, the director of the Federal Housing Finance Agency, the chairman of the Securities and Exchange Commission and the secretary of the Department of Housing and Urban Development. The board would report to appropriate congressional committees.

The bill also would create a bipartisan panel of two House members and two Senate members that would submit regular reports to Congress dealing with the program's transparency, effectiveness and market impact.

GAO OVERSIGHT AND CONGRESSIONAL REPORTS

The bill requires the Government Accountability Office (GAO) to conduct oversight of the activities and performance of the program and to report every 60 days to Congress.

Treasury would have to report to Congress 60 days after it begins to exercise its new authority and every 30 days thereafter. Reports would include an overview of actions taken by the department, the actual obligation and expenditure of the funds provided for administrative expenses and a detailed financial statement. After Treasury buys $50 billion of troubled assets, it would have to provide another report describing all of the transactions made during the reporting period, the pricing mechanism for the transactions, and justifications for the price paid for and the other financial terms associated with transactions.

Treasury would review the current state of the financial markets and the regulatory system and submit a report on its findings to Congress.

INSPECTOR GENERAL

An inspector general's office would be established to conduct, supervise and coordinate audits and investigations of the program. The inspector general—nominated by the president and confirmed by the Senate—would submit a quarterly report to Congress summarizing its activities and the activities of the department under the bill, which would provide $50 million for the office.

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[From Investor's Business Daily, Oct. 3, 2008]

[GOVERNMENT IS TOO BIG NOT TO FAIL

(By Ernest S. Christian and Gary A. Robbins)

After years of faking it, the federal government has finally hit bottom or, depending on how you look at it, ascended to its level of maximum destructive incompetence.

So here we sit in the autumn of '08, almost 79 years to the day since the market crash of 1929, with the smell of panic again in the air. An alarmed president and Congress are flailing away, desperately trying to fix a financial crisis originally caused and made worse by government meddling. And with the election coming, the increasingly incongruous Barack Obama looms in the foreground.

As if Washington were not already doing too many things, almost all badly, and in the process doing far more harm than good, Mr. Obama wants to give government a vast array of additional assignments that it is not competent to handle and that taxpayers cannot afford.

FEDERAL MEDDLING

In the current instance of the bailout, even if Washington does finally find some way of re-lubricating the credit markets that its mistakes almost stopped, the systemic problem of inept governmental interference in all aspects of the economy will remain—and indeed will be magnified by the rescue plan itself. The more crisis Washington causes and the more ''emergency'' powers it assumes, the bigger and more tangled are the webs it spins.

After Congress spends the next year or so ''fixing'' the problems in the financial industry—and casting blame on everyone but itself—Washington likely will have all capital markets and credit transactions under its thumb. It would then be able to specify throughout the economy who gets financing, what for, when and how much.

Just imagine an Obama-Pelosi-Reid administration (OPRA) allocating credit and investment among companies according to how green they are, who their shareholders are and whether some federal oracle thinks they are just and fair. Never mind quality and efficiency or ability to repay. Similar ''let's pretend'' standards for allocating credit are exactly what led to the home mortgage debacle in the first place.

With other made-in-Washington crises already on track to occur—think energy, entitlements, debt and the dollar—soon every aspect of American life may be under strict federal supervision, with a trajectory pointed downward.

The more government interferes in private matters, the more the economy and society as a whole take on the debilitating characteristics of government. Costs go up, efficiency and quality go down, output falls, corruption and waste increase.

Washington is already increasing its participation in the health care industry. That is the reason costs are so high. Inevitably, it will take complete control and, when it does, quality will plummet.

Government has been messing about in the housing industry for decades. Obviously, it has already made a hash of it, but the worst is probably yet to come. Washington's energy policy has long been to restrict supply and raise prices. Now the government also has a plan to bring all energy consumers under its supervision and control. It is called cap and trade.

Because of destructive federal regulations and taxes on U.S. plant and equipment as well as on exports, America no longer has an economy that primarily makes and sells things. By default, manufacturing is being displaced by a ''knowledge'' industry—and most Yankee ingenuity is devoted to creating innovative financing techniques such as derivatives and securitized subprime mortgages. Like government, work consists of shuffling paper (electronically, of course).

OUR WAY OF LIFE

Through its power over education and communications, Washington already influences the creation and dissemination of knowledge. Once it takes over the financial industry, nothing will be left standing in the way of the federal government's dominance. States and localities are mere administrative units and dispersing agents for Washington. Government has won its war against religion, sidelining churches.

In partnership with affiliated labor unions and a few public-private corporations much bigger and worse than Fannie or Freddie, Washington will more than ever be able to participate in all aspects of the economy in a manner that far more resembles the corporatist (or fascist) regimes of Europe in the early 1930s than American capitalism.

American capitalism is not just an economic theory. It is a way of life where rewards are based on achievement, not identify or class, and is therefore inextricably bound up with individual freedom and American exceptionalism.

The job of the next president and Congress, if it can possibly rise to the occasion, is first stop the destructive advance of government, then reverse it.

## APPOINTMENT OF CHIEF HUMAN CAPITAL OFFICER

SPEECH OF

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 27, 2008*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of S. 2816, a bill that will alter how the Chief Human Capital Officer is appointed at the Department of Homeland Security.

This bill will give the Secretary of Homeland Security authority similar to other Federal agencies where a determination is made to place a careerist or a political appointee in the Chief Human Capital Officer position. This authority is particularly important as DHS makes its first transition to a new administration. Undoubtedly, there will be numerous staffing challenges ahead and the DHS Secretary must have a Chief Human Capital Officer to depend on to meet the Department's goals.

The job of the Chief Human Capital Officer requires unique qualifications. Not only must this individual develop and maintain a cadre of national security personnel, but he or she must also ensure integration throughout the new Department and its many components.

The men and women of the Department are some of the hardest working, most selfless individuals in the Federal workforce. Their mission contains little room for error. This is why it is so important that the Department provide a positive workplace that puts employees first. Over the past few years this has not always been the case and low employee morale has plagued the Department and limited its effectiveness.

The 2006 Federal Human Capital Survey conducted by the Office of Personnel Management found that DHS was rated ''dead last'' in job satisfaction among its peers and received very low marks on leadership and management capabilities. And in the recent DHS 2007 Employee Survey, employees cited their dissatisfaction with the Department's pay, performance and promotion practices. Moreover, there have been numerous documented incidents regarding mismanagement within some of the major DHS components. These factors contribute to a fractured workforce and low morale.

These are problems that must be addressed by the next Chief Human Capital Officer. Addressing employee concerns must be his or her first priority.

One of the major sources of low morale is the MAX–HR system, a so-called ''pay-for-performance'' system. MAX–HR and its proposed ''follow-on system'' have been repeatedly rejected by my Committee in legislation and, many Members of Congress, for the past two years. The damage that DHS's relentless pursuit of such a system has done to morale is immeasurable.

The next Chief Human Capital Officer has the chance to make some great strides and improvements at the Department. He or she must work to address the employee concerns and dissatisfaction with a commitment to providing proper training, career development and the tools necessary for its employees to do their jobs. Also at the top of the Chief Human Capital Officer's priority list should be recruiting the best and brightest for DHS, including individuals with diverse backgrounds and a patriotic spirit to fill its ranks.

Given the extensive investment we have made in developing TSA and its workforce, I would be remiss if I did not acknowledge that the TSA workforce does not have the same rights and protections that are afforded to their colleagues at DHS. As the eyes and ears in our airports, TSA workers need to have whistleblower protections and collective bargaining rights to be able to report security concerns without fear of losing their jobs. Moreover, granting basic employment rights is critical to recruiting our Transportation Security workforce. We know firsthand what low morale can do to the health, recruitment, and retention of the DHS workforce.

It is clear from the Committee's record of work that more can be done to support human capital efforts at the Department. And I am pleased to say that this bill is one of those needed measures of support. I look forward to working with my colleagues and the Department to continue to build a strong workforce at DHS. And I also take this opportunity to commend the men and women of the Department for their tireless work and dedication to the mission.

## HONORING MAUREEN GAVIN FOR THE 2007–08 OUTSTANDING TEACHING OF THE HUMANITIES AWARD

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MARCHANT. Madam Speaker, I rise today to pay tribute to Maureen Gavin of Southlake, Texas, who was awarded the 2007–08 Outstanding Teaching of the Humanities Award on behalf of Humanities Texas. This award honors K–12 humanities teachers in the state of Texas who make exemplary contributions in teaching, curriculum development and extracurricular programming.

Mrs. Gavin, a former sixth grade English teacher at Eubanks Intermediate School in Southlake, currently works with Morningside Elementary School in Fort Worth.

In the words of Mrs. Gavin, ''All good thinking begins with good questioning, and as a humanities teacher it is my responsibility to provide provocative questions that allow my students to dig deep within themselves as they learn about our world, past and present, and how they fit into it''. In this spirit, Mrs. Gavin brings to the classroom a passion for literature, language, and the ever-growing continuum of knowledge.

One example of this passion was displayed when Mrs. Gavin's students read the book Maniac Magee by Jerry Spinelli, the story of a homeless orphan who makes a positive difference in the lives of other. With the guidance and encouragement of Mrs. Gavin, her students created a ''Kids Helping Kids'' initiative that ultimately raised $2,000 to support kids in need. This is just one shining example of how the passion of Mrs. Gavin's teaching translates to a world far larger than the walls of a classroom.

Among Mrs. Gavin's many accomplishments include: Carroll Independent School District (CISD) Teacher of the Year, Eubanks Intermediate School Teacher of the Year, EPISD Teacher of the Year Top Ten Finalist, Carlos Rivera's Teacher of the Year, W.W. Bushman Teacher of the Year, presenter CISD parent University, creator of the sixth grade language arts curriculum, former member of the CISD language arts vertical team, former language arts department chairperson, and many, many more.

Madam Speaker, it is a special honor to present Mrs. Maureen Gavin the Outstanding Teaching of the Humanities Award. Educators in the humanities like Mrs. Gavin advance not just the knowledge of life, but the critical importance of reflection, wide-angle perspective, and the wisdom of a larger world. As her former school's Member of Congress, I am especially proud that we have teachers like her who enlighten our students in the arts, history, and languages; ultimately emboldening our nation's cultural framework as well as our future.

## MERCURY EXPORT BAN ACT OF 2008

SPEECH OF

### HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 27, 2008*

Mr. ALLEN. Mr. Speaker, I would like to add to my other remarks about S. 906, the ''Mercury Export Ban Act of 2008.'' The prohibitions pertaining to conveyances, sales, or distribution by Federal agencies contained in Section 3 and the prohibition on exports in Section 4 of S. 906 apply to ''elemental mercury.'' As the principal sponsor of this legislation in the House of Representatives I wish to reaffirm the legislative history and my clear intent that the term ''elemental mercury'' as used in the bill does not apply to articles, manufactured consumer products, or other products that contain elemental mercury.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. GOODLATTE. Mr. Speaker, I wanted to take the time to recognize the retirement of my friend and colleague from Alabama: TERRY EVERETT. TERRY has served the people of the Second District of Alabama with honor and distinction for the past eight terms. He has been a faithful public servant fighting for farmers, veterans, and conservative values.

TERRY has served on four committees including Agriculture, Armed Services, Veterans Affairs, and the Permanent Select Committee on Intelligence. However, I would like to highlight TERRY's extraordinary work for the agriculture community. As a farmer himself, TERRY brought real world experience to the committee, experience that we see less and less from our members. The country as a whole has become more suburban and urban, and the members who represent it have followed. He knew firsthand how the laws we passed in the Agriculture Committee impacted the livelihood of our producers.

Since coming to Congress in 1993, TERRY has been a strong and consistent voice for not only the producers of Alabama, but the entire Nation. Agriculture is Alabama's largest industry and TERRY served as the Chairman of the Subcommittee on Specialty Crops and Foreign Agriculture Programs during the 2002 Farm Bill. He also currently sits on that subcommittee and the Subcommittee on Conservation, Credit and Energy and Research.

The peanut farmer knew no better friend than Congressman EVERETT. He served as a co-chair of the House Congressional Peanut Caucus. Under his leadership on the 2002 Farm Bill, the peanut industry moved from a 60-year-old Depression-era supply management program to a thriving industry that could respond to market signals and bring peanut farmers into the 21st century.

During the 2008 Farm Bill, TERRY expanded his reach and authored a provision to help producers who were suffering from drought. This provision provided a cost-sharing component for producers to build irrigation ponds for their crops during periods of drought. Without this provision, many producers in the South would not have been able to cover the cost of an irrigation pond project. This was yet another example of TERRY taking the lead on an issue that was critically important to the livelihood of producers across the Nation.

His leadership and experience will be missed. But, we do wish him and his wife Barbara all the best for a wonderful retirement.

## IN SUPPORT OF H.R. 6064, THE ''NATIONAL SILVER ALERT ACT''

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, I support the National Silver Alert Act. I also urge my colleagues to support this bill. It is necessary.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that 60 percent of these are likely to wander from their homes. Alzheimer's disease and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimer's Association, up to 50 percent of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

At least eight States, along with non-profit organizations such as the National Center for Missing Adults, Project Lifesaver International and the Alzheimer's Foundation of America, have developed programs to address various aspects of the problem of missing adults, but the need for a coordinated national approach, similar to the Amber Alert Program for children, still exists. In addition, financial support is needed for existing and new local and State programs.

The Missing Alzheimer's Disease Patient Alert Program, administered by the Department of Justice, is the only Federal program that currently provides grant funding to locate vulnerable elderly individuals who go missing. Authorization for this program ceased in 1998, but Congress has continued to appropriate some monies for it through fiscal year 2008, when it appropriated $940,000. Another Federal law, Kristen's Act, had authorized annual grants in the amount of $1 million for fiscal years 2001 through 2004 to assist law enforcement agencies in locating missing adults and for other purposes. Between fiscal years 2002 through 2006, Kristen's Act grants were made through the Edward Byrne Discretionary Grants Program, primarily to the National Center for Missing Adults, a non-profit organization. In 2006, Congress appropriated $150,000 for this purpose.

A. H.R. 6064, THE ''NATIONAL SILVER ALERT ACT''

Importantly, today I urge my colleagues to support another important piece of legislation, H.R. 6064, the National Silver Alert Act. H.R. 6064 sets forth a comprehensive national program. It directs the Attorney General to establish a permanent national Silver Alert communications program within the Department of Justice to provide assistance to regional and local search efforts for missing seniors. The bill requires the Attorney General to assign a Department of Justice officer as a Silver Alert Coordinator.

The Silver Alert Coordinator acts as a nationwide point of contact, working with States to encourage the development of local elements of the network, known as Silver Alert plans, and to ensure regional coordination. The bill requires the Coordinator to develop protocols for efforts relating to reporting and finding missing seniors and to establish voluntary guidelines for States to use in developing Silver Alert plans. The bill requires the Coordinator to establish an advisory group (1) to help States, local governments and law enforcement agencies with Silver Alert plans, (2) to provide training and educational programs to States, local governments and law enforcement agencies, and (3) to submit an annual report to congress. The bill also requires the Coordinator to establish voluntary minimum standards for the issuance of alerts through the Silver Alert communications network.

H.R. 6064 directs the Attorney General, subject to the availability of appropriations, to provide grants to States for the development and implementation of programs and activities relating to Silver Alert plans. The bill authorizes $5 million for fiscal year 2009 for this purpose. The bill also authorizes an additional $5

million for fiscal year 2009 specifically for the development and implementation of new technologies. The Federal share of the grant may not exceed 50 percent and amounts appropriated under this authorization shall remain available until expended.

B. MY PAST AMENDMENTS ON ELDER JUSTICE BILLS

In similar elder legislation, namely the Elder Justice Act and the Elder Abuse Victims Act, I co-sponsored amendments with Ms. MAXINE WATERS of California to provide funding to State, local, and non-profit programs to locate missing elderly. Specifically, my amendment would allow a voluntary electronic monitoring pilot program to assist with the elderly when they are reported missing. In these particular bills, my amendment would allow the Attorney General, in consultation with the Secretary of Health and Human Services, to issue grants to States and local government to carry out pilot programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals when they are reported missing.

C. ELDER LEGISLATION IS IMPORTANT

Elder legislation such as the legislation before us today and the prior elder bills that I mentioned are important. As elder Americans enter their twilight years, we must do more to protect and ensure their safety. Nothing reminds me more of the necessity of this kind of legislation than my very own experiences in Houston, Texas. A few years ago, the family of Sam Kirk, a native of Houston, Texas, called me to help look for him. Mr. Kirk was elderly and suffered from dementia. He had wandered off and could not be located for several days. His family looked for him for many days but could not find him. In an act of desperation, they called on me to lend my services to help them find him. I helped his family look for him and we found him. When we found Mr. Kirk, he was dehydrated and in need of medical attention. We searched for hours and days to find him. It was worth the time and effort we spent to find him alive and well. Legislation that helps America find and take care of its lost and missing elders is extremely important.

SAMMY KIRK AMENDMENT

I fought hard to get an amendment to this bill, H.R. 6064, the National Silver Alert. The amendment would authorize a voluntary electronic monitoring program to be used to assist in the location of elderly persons. Specifically, the amendment requires the Attorney General, after consultation with the Secretary of Health and Human Services, to award grants to States and units of local government to carry out programs to provide for voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals in the event that such persons are reported missing. It is authorized for $2 million for each of the fiscal years 2009 through 2014. The amendment is named after Mr. Sammy Kirk, a former constituent of the 18th Congressional District who suffered from Alzheimers and was lost. I, along with his family, searched for him for 3 days only to find him dead near the bayou. The Sam Kirk amendment ensures that other senior Alzheimer patients do not suffer the same fate as Mr. Kirk.

I believe that my amendment and these bills help elderly people. I urge my colleagues to support this bill.

## HONORING THE GRAND OPENING OF THE CEDAR HILL GOVERNMENT CENTER

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MARCHANT. Madam Speaker, I rise today to commemorate the grand opening of the Cedar Hill Government Center in Cedar Hill, Texas. The grand opening for this new facility was held on Tuesday, September 30, 2008.

A community known for its beautiful natural landscape and rolling hills, Cedar Hill is now home to one of the most innovative and efficient government centers in the country. Cedar Hill has always been a community committed to providing the best for its citizens, and the new Government Center is yet another example of that commitment.

The center houses the City of Cedar Hill and the Cedar Hill Independent School District. Built with native Texas materials such as limestone, clay tile and mesquite wood flooring, the centralized facility represents the spirit of Cedar Hill and the great state of Texas.

A model of forward thinking leadership and architecture, this collaborative facility uses 23,000 square feet out of 115,887 square feet specifically for shared-use space and public gatherings. Local residents benefit from the centralized facility's easy access, convenience, and efficiency. The partnering use of facilities not only benefits the community in the long-run, but it also saved taxpayers considerable construction costs.

City and School District officials selected the architecture firms of Holzman Moss and Wiginton Hooker Jeffry and Hunt Construction provided construction oversight. The architects were able to maximize the distinctive character of Cedar Hill, preserving many native trees, utilizing the beautiful surroundings, and preparing for future walking trails so visitors can fully enjoy the natural habitat even further.

Madam Speaker, it is with great honor that I congratulate Mayor Rob Franke, City Council members, President of CHISD Dan Hernandez, school board members, and the residents of Cedar Hill on the opening of this facility. The Government Center stands a true symbol of the fabric of this great community. I look forward to seeing the positive impact this center will have on the community and I am extremely proud to represent Cedar Hill in the 24th District of Texas.

## IN HONOR OF STAFF SERGEANT ANTHONY L. MASON, TEXAS NATIONAL GUARD

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the state of Texas and of our Nation.

Staff Sergeant Anthony L. Mason, known as Luke to his family and friends, was a soldier in the Texas National Guard and a true American hero. Luke gallantly and selflessly gave his life in the service of his country on September 18, 2008, when his helicopter went down near Tallil, Iraq.

It was his second tour in support of Operation Iraqi Freedom.

Assigned to 2nd Battalion, 149th Aviation, 36th Combat Aviation Brigade as a helicopter engineer, Luke did his part during a time of war, a fact that speaks volumes about his character and patriotism.

As a Staff Sergeant, he was a leader and mentor to the younger members of his unit. His fellow soldiers admired him for his professionalism, technical knowledge, and his approachable character.

During his civilian life, Luke was a friend to many. His positive influence is evidenced by his community's response to his death and the support they have readily offered to his family.

Our thoughts and prayers are with Staff Sergeant Mason's wife, his four daughters, his parents, and all of his family and friends. His community and Nation honor his memory and we are grateful for his faithful and distinguished service to America.

Staff Sergeant Mason will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

## EARMARK DECLARATION

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. SMITH of New Jersey. Madam Speaker, I submit the following:

Requesting Member: Rep. CHRISTOPHER H. SMITH.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Army Account.

Legal Name of Requesting Entity: MILSPRAY Camouflage Technologies.

Address of Requesting Entity: 1985 Swarthmore Ave, Lakewood, NJ 08701.

Description of Request: The Force Implementation Phase of this project is the final phase of ''Project Kryptolite—Field Deployable Multifunctional Stealth Coating.'' During Phase II, a complete turnkey ''armor enhancement'' application system will be forward deployed to Iraq or other ARL-designated theater of operation. The completely integrated stealth coating system will be applied, in theater, to MRAP, Stryker, and other armored vehicles at the direction of Army and Marine Corps commanders. The Stealth Coating System addresses both infrared and thermal signature reduction as well as blast mitigation.

This system can act as an ''armor enhancement'' material and be applied over existing MRAP, and similar tactical vehicle, armor systems.

This armor enhancement approach would increase the level of blast resistance and substantially improve survivability. The use of this armor enhancement system will substantially reduce injuries and deaths resulting from IEDs, EFPs, and blast fragments. The material, and complete field deployable application system, will be forward deployed. MRAPs, Strykers, and other tactical vehicles will have the Kryptolite Armor Enhancement applied to them.

Proposed Funds Utilization: Logistics Support: $100,000 System/Personnel Deployment Costs.

Salaries/Wages: $575,000 5–7 project technical personnel.

Equipment: $200,000 Lab, Test, Production, Application.

Testing Ballistic/Blast/Performance/Labs: $200,000.

Facility Costs: $50,000.

Material: $75,000.

Total: $1,200,000.

## IN RECOGNITION OF THE LATE ELINOR GUGGENHEIMER

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, it is with a heavy heart that I rise to pay tribute to the late Elinor Guggenheimer, an outstanding New Yorker who devoted herself to her city and her country throughout her life. It is with both profound sadness but also an enduring sense of gratitude for the tremendous inspiration that she provided that I note Elinor Guggenheimer's passing last Monday at the age of 96.

Elinor Guggenheimer was not just a leader, but a pioneering figure in the history of the movement for women's equality. A graduate of Barnard College, following the end of World War II she launched into a career of activism on behalf of women, children, and the elderly. She developed a well-deserved reputation as a tireless crusader for better and more child care options for working parents, stronger consumer protections, and the advancement of women into all sectors of society, including government and elective office.

In 1961, Elinor Guggenheimer became the first woman to serve on the New York City Planning Commission, where she focused on helping to guide City policies on parks and prisons. As part of municipal government's anti-poverty efforts, she was also named by Mayor Robert F. Wagner to the Head Start Committee of New York City. She later became one of the first women to seek citywide office in New York, running for President of the New York City Council in 1969. She went on to become the City's Commissioner of Consumer Affairs in the administration of Mayor Abraham Beame in the 1970's, earning a reputation as a fearless advocate who unmasked fraudulent merchants and inspired consumers to boycott overpriced goods.

But it was perhaps through her grass-roots activism that Elinor Guggenheimer made her greatest impact. In 1948, she founded the Day Care Council of New York. She went on to establish the Child Care Action Campaign, the National Committee for the Day Care of Children, and the Staten Island Children's Campaign. She became perhaps the most prominent advocate in the nation for better child care, not just for the convenience of working mothers, but for the welfare of their children.

A tireless activist, Elinor Guggenheimer also founded the New York Women's Forum to help women establish social and professional networks. She went on to found the New York Women's Agenda and the National Women's Political Caucus. In those roles, Elinor Guggenheimer inspired generations of women—including a young schoolteacher named CAROLYN MALONEY—to engage in the political process and to run and hold public office.

Elinor Guggenheimer dedicated her life to serving others. In addition to her remarkable career as an activist, she was a philanthropist and humanitarian. Her efforts were credited as indispensable in securing the acquisition of the fabled Temple of Dendur by the Metropolitan Museum of Art, located just a few blocks from her home on Manhattan's Upper East Side. She also served as Chair of the Women's Division of the United Jewish Appeal–Federation of New York and as an officer at its predecessor organization, the Federation of Jewish Philanthropies.

Throughout her whirlwind career as an activist, Elinor Guggenheimer remained devoted to her family. She was devoted to her late husband Randolph, who died in 1999; to her sons, Charles and Randolph, Jr.; and to her three grandchildren and seven great-grandchildren.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to civic and political life made by Elinor Guggenheimer, a true pioneer and civil rights activist in the finest traditions of our great republic.

## INTRODUCTION OF ''DERIVATIVES MARKET REFORM ACT''

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MARKEY. Madam Speaker, today I am re-introducing the ''Derivatives Market Reform Act.'' This bill is largely based on legislation that I first introduced on July 14, 1994 as H.R. 4745, and then subsequently reintroduced in 1995 (as H.R. 1063), and introduced again in 1999, as H.R. 3483.

I am reintroducing the bill again today, on the same day that Congress is passing emergency legislation to respond to the crisis caused by Wall Street's irresponsible and risky use of derivatives, because I believe that if Congress had adopted this type of legislation, we might have been able to avoid some of the turmoil that has recently affected our Nation's financial markets.

In 1992, as Chairman of the House Telecommunications and Finance Subcommittee, I asked the General Accounting Office to undertake an investigation into the derivatives markets, including the size of the markets for these financial instruments, their economic rationale, and associated risks. In 1994, the GAO submitted its report to the Subcommittee, entitled ''Financial Derivatives: Actions Needed to Protect the Financial System.'' This report contained a number of important recommendations for the financial services industry, Federal financial regulators, and for the Congress. The GAO suggested that Congress needed to extend Federal authority to currently unregulated derivatives dealers, improve coordination among Federal regulators with responsibilities over key participants in this market, and restructure the regulations applicable to the derivatives markets.

My legislation was aimed at responding to the GAO's recommendations by providing a framework for improved supervision and regulation of previously unregulated derivatives dealers, assuring appropriate protections for their customers, and establishing certain reporting requirements for hedge funds. During the 103rd Congress, the Subcommittee held five oversight hearing on key issues relating to the derivatives market. As Chairman of the legislative Subcommittee with jurisdiction over the Securities and Exchange Commission, it was my intention to move forward with derivatives legislation in the 104th Congress.

Unfortunately, the Democrats lost control of the House of Representatives in the 2004 elections, and the new Republican Majority that took control of the House in January of2005 had little interest in increasing financial regulation. Indeed, one of the first bills that the House passed as part of Speaker Newt Gingrich's ''Contract with America'' was H.R. 1058, the Private Securities Litigation Reform Act. This legislation was ostensibly aimed at curbing ''frivolous'' securities class action lawsuits, but in fact was drafted in such a way to make it more difficult for defrauded investors to sue those whose fraud or recklessness had caused them harm. During House floor consideration of that bill, I offered an amendment (House Amendment 270), which would have exempted securities fraud cases involving derivatives from the bill's harsh restrictions. Unfortunately, my amendment was defeated by a voted of 162–261.

Following the derivatives-related collapse of the hedge fund Long-Term Capital Management, I joined with Senator Byron Dorgan to ask the GAO to undertake another investigation into the derivatives markets, focusing this time on the role that derivatives played in the collapse of the hedge fund, Long-Term Capital Management. The GAO's report on this matter, entitled, ''Long-Term Capital Management: Regulators Need to Focus Greater Attention on System Risk,'' identified a need for Federal financial regulators to better coordinate their efforts to identify and respond to risks across markets and industries, and has called for Federal oversight over currently unregulated derivatives dealers who may have significant risk exposure to hedge funds and other highly leveraged entities. These recommendations came in addition to those made by the President's Working Group on Financial Markets earlier in 1999 that legislation be adopted which would require some public reporting by hedge funds regarding their investments.

The ''Derivatives Dealers and Hedge Fund Disclosure Act of 1999'' that Senator DORGAN and I are introduced back then responded to GAO's and the regulators' recommendations for reforms in the aftermath of the LTCM affair.

Again, the Republican-controlled Congress took no action to strengthen derivatives regulation. Instead, Congress passed two bills that made the situation worse. First, the Gramm-Leach-Bliley Act of 1999 effectively tied the SEC's hands when it came to overseeing the derivatives activities of banks. Second, the Commodities Futures Modernization Act of 2000 largely exempted derivatives from any effective oversight or regulation by the Commodities Futures Trading Commission.

And so, with no action on legislation to strengthen derivatives regulation, with Congress instead taking steps to make it more difficult for federal financial regulators to oversee these markets, the foundation was set for our current crisis.

This crisis was, of course, exacerbated by the failure of the financial regulators to effectively use the tools that they still had at their disposal to avert a meltdown. In recent weeks we have read how the Federal Reserve turned a blind eye to the growing systemic threat facing our financial system. We have read how the SEC failed to use its broker-dealer holding company risk authority to oversee and respond to this crisis. We have read about how they weakened capital rules that allowed securities firms to take on far too much leverage. And in the weeks and months to come, we will all learn a lot more about the causes and consequences of this crisis.

The bill that I am reintroducing today is aimed at opening a dialogue on solutions. I have made some modifications in the text to try to address some of the harmful deregulatory provisions enacted into law in recent years. But I know that the bill may need further refinement. I offer it as a baseline for how we might begin thinking about fixing the mess on Wall Street. There may be additional ideas that could improve the bill. There may be changes needed to ensure that these provisions are fully effective. I look forward to talking with my colleagues, and with outside stakeholders, about how we can begin to address this problem. Because we do need to act.

I urge my colleagues to support this important legislation.

## IN RECOGNITION OF DR. JAMES FELDMAN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Dr. James Feldman, a profoundly respected, inspiring and beloved figure to countless students, colleagues, friends and family. His career at Baldwin Wallace College Conservatory of Music in Berea spanned thirty-two years, during which time he molded young talent in music theory, composition and performance as well as coaching, mentoring and encouraging students in every aspect of life.

James Feldman was born and raised in Rochester, New York. His passion from childhood was music. He earned his MA from the Eastman School of Music at the University of Rochester. He was awarded his PhD in Music Theory from Kent State University and became a full professor at BW.

Jim has always strived to live in accordance with the ethical principles of Judaism and has been active in religious community life. He met his wife, Charlotte, while playing piano at their synagogue in Rochester. Together with Charlotte and their two sons, Benjamin and Joel, he moved to Berea in 1975 to begin his teaching career at BW. He was active in Beth Israel-West Temple co-writing and producing yearly musicals with Charlotte that elicited enthusiastic reviews citing their ingenuity and delicious sense of humor.

Dr. Feldman was diagnosed with ALS in the fall of 2007. He braved a difficult teaching semester and went on disability in 2008.

Madam Speaker and colleagues, please join me in tribute to Jim Feldman, who has dedicated his life's work to his students and his family.

## EARMARK DECLARATION

### HON. JOHN J. DUNCAN JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within the House Amendment to the Senate Amendment for H.R. 2638, the ''Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.''

Requesting Member: Congressman JOHN DUNCAN.

Account: Research, Development, Test and Evaluation, Air Force.

Project Amount: $1,600,000.

Legal Name of Requesting Entity: University of Tennessee, 328 Ferris Hall, 1508 Middle Drive, Knoxville, TN 37996.

Description of Request: This funding will be used to explore novel energy harvesting methods, including bio fuels, hydrogen-based systems, miniature nuclear batteries, etc.

Requesting Member: Congressman JOHN DUNCAN.

Account: Research, Development, Test and Evaluation, Defense-Wide.

Project Amount: $1,600,000.

Legal Name of Requesting Entity: Diamondview Glass Ceramic, 110 West Old AJ Highway, Jefferson City, TN 37760.

Description of Request: This funding will be used for the rapid development of an innovative ceramic crystallite reinforced glass system for light-weight, low-cost ballistic windows for architectural use for threats including small arms and explosions.

Requesting Member: Congressman JOHN DUNCAN.

Account: Military Construction, ANG.

Project Amount: $8,000,000.

Legal Name of Requesting Entity: McGee Tyson ANG Base, located at 320 Post Avenue, McGee Tyson ANG Base, TN 37777.

Description of Request: The funding will be used to replace the current KC–135 Squadron Operations Facility located at the 134th Air Refueling Wing, McGee Tyson Air National Guard Base. The Squadron Operation's are currently housed in a facility that is antiquated and not properly laid out to allow for the smooth flow of KC–135 operations.

## BREAST CANCER AWARENESS AND BOCA RATON COMMUNITY HOSPITAL'S LYNNE CANCER INSTITUTE

### HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. KLEIN of Florida. Madam Speaker, today I rise to recognize the month of October as Breast Cancer Awareness Month, and to commend the Boca Raton Community Hospital for its renewed efforts to fight breast cancer and to raise awareness of this disease.

Breast cancer claims the lives of thousands of our mothers, daughters and sisters each year. The disease is the second most common type of cancer and the fifth most common cause of cancer death. Yet, if discovered early breast cancer can be treated and the victim's chances of survival greatly increased.

Currently, 61 percent of breast cancers are diagnosed at a localized stage, due largely to early detection by mammography screening and improvements in treatment.

In October, the Boca Raton Community Hospital hosts its 5th annual Go Pink Cancer Awareness Luncheon and later this year, the hospital will open the Eugene and Christine Lynne Cancer Institute at the Sandler Pavilion. This 98,000-square-foot facility will house oncology, chemotherapy and clinical research that will lead the fight against cancer in my South Florida community.

With over 20 oncology physicians, the Institute will treat over 3,000 patients each year. These outstanding physicians and early detection programs will allow more breast cancer patients and their families win the battle against this disease.

Like many other families in my community, mine has been affected by breast cancer. This month allows each and every one of us to remember those who died from this disease and celebrate the triumph of those who have survived. I look forward to continuing the fight against cancer here in Congress and at home in South Florida.

## INTRODUCTION OF THE SECURITY CLEARANCE OVERSIGHT AND ACCOUNTABILITY ACT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. ESHOO. Madam Speaker, today I'm proud to introduce the Security Clearance Oversight and Accountability Act and I'm pleased that the Ranking Member of the Subcommittee on Intelligence Community Management of the House Permanent Select Committee on Intelligence, Mr. ISSA, has joined me as a co-sponsor of this legislation. We have spent this Congress conducting oversight of the security clearance process.

Security clearances are determinations that a person is trusted to have access to our nation's secrets. They are the gateway to serving our nation in national security, homeland security, and many foreign policy positions. In recent decades, the number of federal government employees and contractors requiring clearances expanded. This was especially true after the tragic attacks on September 11, 2001. We also realized the importance of sharing information and promoting collaboration across government agencies.

Sadly, our security clearance system was still cumbersome and outdated. We were using a cold-war system in the Internet age, where the process was primarily paper-based, and relied on investigators going door-to-door to talk to neighbors. It did not take advantage of the vast stores of data collected on people on line to verify their trustworthiness and it did not use electronic tools to speed the process.

In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act, which

contained many provisions to improve the security clearance process. The law called for uniform policies and unity of responsibility for security clearances across the Federal Government. It required that security clearances issued by one agency be accepted by all agencies. To make that possible, it called for an integrated data base and for the evaluation of available information technologies. Finally, it set forth specific targets for the length of time that security clearance processes should take, and required annual progress reports.

During this Congress, our subcommittee has undertaken a thorough review of the process. We had round-table meetings with representatives of industry and with representatives of the Intelligence Community agencies. We carefully reviewed all reports submitted in response to the Intelligence Reform Act as well as GAO reports on security clearance reform in the Department of Defense. We held a series of open hearings with Administration witnesses and GAO to discuss accomplishments and areas where progress was lacking.

We found that though the Act has resulted in significant improvements in the clearance timelines, significant work remains to be done. The law requires full reciprocity of clearance investigations and adjudications, but provides no tools for measuring the implementation and success of such measures. The clearance data as it is reported to Congress does not provide adequate insight into the improvements that have been made. Aggregated data covers up poor performance by averaging it with excellent performance.

We provided the results of our oversight in an ICM Subcommittee Report which will be filed with the House. I'm pleased that all members of the Subcommittee were supportive of the Report, and it was reported out of committee on a unanimous voice vote.

This provision is designed to remedy the shortcomings we discovered in our report. It takes a new approach to reform, by requiring agencies to report to Congress annually on certain key metrics related to the security clearance process. These metrics would enable Congress and HPSCI to perform effective oversight over the security clearance process, would allow both branches to track improvements from year to year, and would allow agencies to judge the effectiveness of each other's security clearance process, improving. confidence in the system. In a few areas where adequate metrics have not been developed, the Administration is required to propose metrics to Congress.

I hope that we will move this legislation as soon as possible, given the strong bipartisan support that it enjoys. It will improve our insight into the security clearance process, and by doing so, improve the process itself.

The security clearance process is key to our national security establishment and we must make sure that it works as efficiently as possible. An effective security clearance system keeps out those who pose a security risk, while quickly identifying those who are trustworthy to work in the system. For too long it has been a troubled system and I'm hopeful that it is getting back on track and this legislation would allow us to know for sure.

## ACTION ON SEX ED

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. HARMAN. Madam Speaker, I've seen my home state of California struggle with the Nation's highest teen pregnancy rate—the sad result being thousands of young women dealing with the catastrophic effects pregnancy can impose on their lives. They often lose out on the opportunity to obtain a high school diploma, a college degree or a promising career. For too many, dreams like these are lost at an early age.

In the early 1990s, California took on the challenge to fight this epidemic and focused hard on prevention. After a decade of implementing robust initiatives, the state had lowered the rate by nearly 40 percent. Much of the success is credited to better and more accurate comprehensive sex education.

Results like this are worth fighting for and this is why initiatives like Planned Parenthood's campaign—Sex Ed Week of Action—is vital to raise awareness about safe practices within our communities. These are tough, personal issues for all parents and families but as a mother and grandmother, I agree that they must be addressed.

California is making strides, but there is much more to be done nationwide. As a longtime champion of comprehensive sex education, I've voiced my opposition against unproven abstinence-only education here in Congress. It is an outrage that since 1996, the Federal Government has pursued an ideological and myopic path, investing more than a $1 billion in abstinence-only programs. This has been a huge waste—and the studies prove it.

A report commissioned by the Department of Health and Human Services concludes that students receiving abstinence-only education are no more likely to abstain or delay sexual activity than students not receiving such instruction.

California also recognized that this is a bad investment for our teens and took a commendable step forward by rejecting these funds from the Federal Government. The medical community agrees too. According to the American Medical Association, the American Public Health Association and the American School Health Association, scientifically sound comprehensive sex education is the only approach that produces results—not more unwanted pregnancies.

Empowering teens to make smart choices requires education that is proven to work—logical, right? The evidence is clear, comprehensive sex education is the best path to reducing unintended pregnancy, which is the goal we all share. We can't fail our teens by letting politics and ideology interfere with this basic right to information.

## HONORING HOWARD BAKER

### HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. DICKS. Madam Speaker, on September 24th I was pleased to attend a ceremony sponsored by the U.S. Capitol Historical Society at which the 2008 Freedom Award was presented to former Senate Majority Leader Howard Baker, who served in the United States Senate for 18 years. Each year the Society presents this prestigious award to recognize the work that is done under the Capitol dome to defend freedom and preserve the institution of Congress as a representative body. At the start of each Congress, all of us as Members of Congress take an oath to support and defend the Constitution in our role, as the Founders intended, as defenders of the peoples' freedom. As a means of reminding the Congress of this solemn responsibility, the U.S. Capitol Historical Society bestows the Freedom Award annually upon a Member who personifies this spirit and who has demonstrated throughout his or her career a dedication to the institution of Congress and to the cause of freedom. Senator Baker's remarks at the ceremony were particularly relevant and moving, and I would like to take this opportunity to share his speech with my colleagues by entering his remarks into the RECORD:

REMARKS OF HOWARD H. BAKER, JR., U.S. CAPITOL HISTORICAL SOCIETY FREEDOM AWARD, WEDNESDAY, SEPTEMBER 24, 2008

It is a great honor to be with you this evening, and it is an especially great honor to have been introduced by my dear friend and former colleague Bob Byrd.

In an unusual—perhaps even unprecedented—set of circumstances, Senator Byrd and I served as each other's majority and minority leaders for 8 very eventful years in the late 1970s and early 80s.

And while there are some things Senator Byrd and I disagree on, one thing on which we're in absolute agreement is that being majority leader is better.

My service in the Senate leadership was the culmination of three terms in the United States Senate. For much of my adult career I have served in Congress, or my family has, so some would describe me as a congressional brat—if so I am proud of it.

Having walked the halls of Congress with so many of its legendary figures—most definitely including Robert C. Byrd—and having worked on so many momentous issues with them, I have a special appreciation for the history of the Capitol that this Society does so much to preserve and protect and disseminate to an interested public.

And so it is particularly meaningful to me to be honored by the Capitol Historical Society this evening.

President Lincoln—who also served in Congress, though not, as you may suspect, with me—once wrote in a Message to Congress in the depths of the Civil War, ''We cannot escape history. The fiery trial through which we pass will light us down in honor or dishonor to the last generation.''

The genius of our system of government is not that it requires a race of supermen to run it but that ordinary people can do extraordinary things for their fellow citizens when they have to. This very week, the Congress, in particular must face a new challenge on policy and legislation to stabilize and rescue our country's economic system.

To succeed it must be in the finest traditions of our legislative process, worthy of Webster and Clay, Johnson and Dirksen, Kennedy and Kassebaum, maybe even Baker and Byrd.

In earlier times, we dealt with Vietnam, Watergate, civil rights, the first environmental protection laws, Social Security reform, the cold war and much else on similar terms and with ultimate success.

I am sure that the men and women of the 110th Congress—Democrats, Republicans,

and Independents—will rise to the challenge of the moment and validate our powerful claim to the value of bipartisanship when it must serve the public interest.

Senator Byrd and I engaged in partisan warfare more than either of us would like to acknowledge today, but even in the midst of such warfare, we knew we were serving an important political purpose: giving voice to the full range of public opinion on matters of national importance.

That is the basis for the Senate's claim to being the ''world's greatest deliberative body.'' America's Founders did not design the Senate as a model of efficiency but as a vessel of democracy, into which the Nation's passions could be poured to cool, and from which the Nation's collective wisdom could be discerned.

The two-party system, which the Founders did not design and from which many of them would have recoiled, has had a similarly steadying influence on our national life.

Two broad-based political parties have over the centuries become very effective means of communicating the public's views to their government, particularly through the legislative branch.

Partisanship has its place—and it is an honorable and useful place—in public life, and those who disdain it often do not understand its value in venting the full expression of our citizens' demands and dissents.

But the greatest of America's Founders—George Washington—feared ''factions'' above all, and I share his fear that political hostility can overcome the better angels of our nature in some future hour of national peril.

Too often in today's Washington, I see a refusal to hear, much less respect, a differing point of view. I see a refusal to even try to understand the other person's argument. This is new, in my experience, and it is not healthy.

Robert Kennedy was a young lawyer who served as minority council in the Army-McCarthy hearings. I was chosen by Ray Jenkins, a great Tennessee trial lawyer, to assist him in the hearings. By the way, my principal responsibility was reading the daily transcripts! Robert Kennedy and I became quick friends because we had much in common—we were within days of each other in age, had World War II experience, and we shared an enthusiasm for convertibles, although his Cadillac put my Ford to shame.

When we returned to Washington years later as Senators ourselves, just after the assassination of President Kennedy and in the early years of the Vietnam war, we and our colleagues—including Bob Byrd—knew that some things were more important than partisanship.

Having served in the waning days of World War II, we knew that the capacity for calamity in human affairs was almost limitless—and we knew how much the rest of the world looked to the United States for leadership and example.

The men and women of today's Congress know about war, and terror, and now you know how quickly a strong economy can spiral out of control without constant vigilance.

These are sobering events in momentous times, and it is useful for the ordinary men and women serving in this Capitol today to know that others before them rose to similar extraordinary challenges and rescued their country from harm.

''What is past is prologue,'' the National Archives reminds us. ''Study the past.'' That is what the United States Capitol Historical Society has been encouraging us and enabling us to do for many years.

I thank you for that valuable service. I am humbled by your tribute. And I am honored to be in your company tonight.

## HONORING LOUIS DE LA PARTE

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. CASTOR. Madam Speaker, I rise today to praise the lifetime achievements of distinguished Tampa lawyer and Florida legislator Louis de la Parte. Mr. de la Parte was honored for his unselfish compassion and courage to voice his beliefs on causes, even against popular opposition. He was a noble public servant and lived to help his family, friends, and community.

Mr. de la Parte was born in Ybor City, Tampa, and grew up with his mother, a homemaker, and his father, who ran a men's clothing store, whom Louis helped out during the summer. His grandmother lived in public housing in Tampa, and his large family came from a modest background. He used his experience growing up around people less fortunate than he to help out his community and voice the opinions of those who could not be heard. He graduated from Jesuit High School in Tampa in 1946 and received his bachelor of arts degree in psychology from Emory University in 1950. His articulate leadership and natural ability for persuasion led him to earn his juris doctor from the University of Florida.

After law school he joined the Air Force and started a family. He worked as a prosecutor but soon discovered that many of the problems that he was prosecuting could be avoided through science and the more effective delivery of mental health services. This revelation led Mr. de la Parte to run for public office. He served as a Democratic member of the Florida House of Representatives from 1962 through 1966 and the Senate from 1966 through 1974. He served his final year in the legislature as senate president.

During his time in office, he built the Department of Health and Rehabilitative Services to assist the poor, mentally disabled, elderly, and sick. He avidly promoted environmental legislation and educational programs in prisons.

A dedicated family man, Mr. de la Parte was deeply loved by his family. His wife and two children would follow him to work sometimes, carrying his briefcase for him. Mr. de la Parte loved to have big family dinners on Sundays, and to take his family on travels all around the world, particularly to those places he had been while serving in the Air Force. The de la Parte family is a Tampa treasure.

Mr. de la Parte worked in private practice with his son for 4 years. He retired in 1990, when he began to develop the early symptoms of Alzheimer's disease. To congratulate his dedication to progress in the area of mental health, in 1996 the Florida Mental Health Institute at the University of South Florida was named after Mr. de la Parte.

Madam Speaker, Louis de la Parte was a man of the highest regard who dedicated his life to the public good. He will be greatly missed by the State of Florida. My thoughts are with his wife, Helen, his children, Peggy and L. David, and the entire de la Parte family.

## HONORING THE KIWANIS CLUB OF ASTORIA—LONG ISLAND CITY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, it is my pleasure to pay tribute to the Kiwanis of Astoria—Long Island City for its outstanding work in supporting philanthropic and community organizations serving the people of western Queens.

This year, the Kiwanis Club named as its Man of the Year Panagiotis Manolas, M.D., Chief of Surgery at Mount Sinai Hospital of Queens. Born and educated in Greece, Dr. Manolas immigrated to America to complete his studies. Certified by the American Board of Surgery, he has developed a highly successful multi-specialty practice in general, breast and laparoscopic surgery. Named a ''New York Super Doctor'' and one of the ''Best Doctors in New York'', he is devoted to his patients, often providing his services pro bono or on a sliding scale.

The Kiwanis Club is naming as its Women of the Year several deserving honorees. These include: Rose Anne Alafogiannis, past president of the Kiwanis Club and member of Queens Community Board #1, the Astoria Civic Association, SHAREing & CAREing, and a Lector for the Immaculate Conception parish;

Donna Furey, an Astoria native, Kiwanis Club member, and attorney specializing in elder law who who serves as a member of the board of St. John's University School of Law Alumni Association and the Queens County Women's Bar Association and who has dedicated herself to helping local seniors;

Roberta Gualtieri, a life-long Astoria resident who has served countless hours as a volunteer at the Steinway Senior Center, the Kiwanis Club, the 114th Police Precinct, Our Lady of Mt. Carmel Roman Catholic Church, St. John's Hospital emergency room, and with literacy programs for underprivileged youth;

Laura Jean Hawkins, a longtime community activist and lecturer who served for many years as Chief of Staff to former Assemblyman Denis Butler and advocate for non-profit groups like SHAREing & CAREing, a breast and ovarian cancer support group;

Teresa Jarnich, a member of the Kiwanis Club of Astoria—Long Island City and a volunteer with its Christmas Auction and Anti-Crime programs;

Christine Lolas, an Athens native who immigrated to the U.S. to launch her career in the banking industry. She is active in the Kiwanis Club, the 30th Avenue Business Association, and serves on the Advisory Board of SHAREing & CAREing;

Anna Kril, the founder of SHAREing & CAREing, Inc. She serves on the Board of Directors of the New York City Health & Hospitals Corporation, on the Executive Board of the Community Advisory Board of Elmhurst Hospital Center, as Chairperson of the Health Committee of Queens Community Board #1 in Queens, and as a member of the Kiwanis Club;

Vera Martucci, who, although widowed at an early age, still devoted herself to serving others by volunteering to assist immigrants through the International Ladies Garment

Workers Union and at St. John's Hospital's emergency department, the Steinway Senior Center, and P.S. 7 and P.S. 126;

Charlene Perno, a Registered Nurse who serves on the Board of SHAREing & CAREing, as coordinator of New York Hospital of Queens' health fair, and who provides health education to local high schools;

Linda Ann Vinci-Perno, an Astoria native who has volunteered for the Boy's Club of Queens, Ladies Auxiliary, President of St. Margaret Mary Rosary Society, and the Long Island chapter of Cancer Care; and

Eartha Washington, who serves as Chair of the Board of Elmhurst Hospital and is active with the New York City Department for the Aging Advisory Board, SHAREing & CAREing, the Kiwanis Club, and the Astoria Civic Association.

I ask that my distinguished colleagues join me in paying tribute to these outstanding individuals for their extraordinary commitment to serving others.

## HONORING DR. JAMES P. COMER

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and honor that I take this time to recognize one of the most influential and renowned individuals to emerge from Northwest Indiana. Dr. James P. Comer, M.D., M.P.H., has made many distinguished contributions to the field of child psychiatry throughout his prestigious career, and I take this time to welcome him back to Northwest Indiana, where he will serve as the keynote speaker for the 2008 Parent University on Saturday, October 11, 2008, at East Chicago Central High School in East Chicago, Indiana. This extraordinary event is sponsored by the School City of East Chicago, the City of East Chicago, the Lake Shore Chamber of Commerce, and Purdue University.

Dr. Comer was born in East Chicago, Indiana. In 1956, he completed his studies at Indiana University and went on to receive his M.D. in 1960 from Howard University College of Medicine. From there, he went on to complete his M.P.H. degree from the University of Michigan School of Public Health in 1964. Following this, he went on to Yale University, where he was trained in psychology at the School of Medicine's Child Study Center. Today, Dr. Comer serves as the school's Maurice Falk Professor of Child Psychiatry. As part of his preparation for his remarkable career, Dr. Comer also completed a one-year residency at the Hillcrest Children's Center in Washington, D.C.

While his contributions to his field are many, Dr. Comer is quite possibly most well known for the founding of the Comer School Development Program in 1968. The goal of this program is to promote the collaboration of parents, educators, and the community to improve social, emotional, and academic outcomes for children that will help them to achieve greater success in school. His approach to focusing on teamwork has been utilized throughout the country at more than 500 schools to improve their educational environments.

As if his work in research and teaching, not to mention the founding such an influential program, were not impressive enough, Dr. Comer is also the author of nine books and the writer of more than 150 articles for Parents Magazine and more than 300 other articles on children's health and development and race relations. He has also worked as a consultant for the Children's Television Workshop, which produces Sesame Street. Throughout the years, Dr. Comer has also committed himself to service on many local, collegiate, and national boards, and he has been recognized with an abundance of prestigious awards and accolades for his work, including an astonishing forty-six honorary degrees.

Madam Speaker, Dr. Comer has made extraordinary contributions to his field and to school systems throughout the United States. His dedication and devotion to the youth of our nation are to be admired. I respectively ask that you and my other distinguished colleagues join me in honoring Dr. James Comer for his lifetime of contributions to the American way of life through his work in the area of child psychiatry.

## HONORING THE MEMORY OF WILLIE HERD RUSHTON

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire nation recently lost a true American hero, and I rise today to honor the memory of Willie Herd Rushton and pay tribute to his memory.

Many Americans came to know Mr. Rushton last year as his courageous story, along with those of other Mobilians, was told in the Ken Burns documentary series, "The War."

Born in Nadawah, Alabama, Mr. Rushton grew up on a saw mill farm in Atmore. After graduating from high school, he moved to Mobile to work at the Coca-Cola Bottling Plant. He was drafted in the spring of 1943, just a year after getting married.

He signed on with the Marines and was shipped to the Pacific in July 1943. His son was born just one month later, a son he would not see for more than two years. Assigned to the 11th Depot Company, he served in the South Pacific from July 1943 until October 1944. He and his unit—a unit that sustained the highest casualty rate of any black Marine unit—took part in the invasion of Peleliu along with the 1st Marine Division.

Mr. Rushton himself was wounded in the leg by shrapnel from a mortar round while on the island. Following his discharge in November of 1945, Mr. Rushton was awarded the Purple Heart as well as the Good Conduct Medal for his valor in service. He worked at Sears, Brookley Field and the United States Postal Service, where he stayed for 43 years. During his career with the Postal Service, his colleagues affectionately referred to Mr. Rushton as "The Chief."

Madam Speaker, I rise to ask my colleagues to join me in remembering a true American hero and friend to many throughout Alabama, as well as a wonderful husband and devoted father. Mr. Rushton will be deeply missed by his family—his wife, Evelyn Bush Rushton; his two sons, Willie Herd Rushton Jr. and Derrick Rushton; his daughter, Deborah Rushton Campbell; his brother, John Lee Jones; his six grandchildren; and his six great grandchildren—as well as the many countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

## HONORING THE SERVICE AND HEROISM OF THE 630TH TANK DESTROYER BATTALION

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the heroes of the 630th Tank Destroyer Battalion upon their 32nd reunion.

Activated on December 15, 1941 at Fort Jackson, South Carolina, the 630th Tank Destroyer Battalion; often called the "Fightingest," distinguished itself in battle during World War II. On July 24, 1944, the Battalion landed on Omaha Beach in Normandy, France and was attached to the 28th Infantry Division XIX Corps.

The men of the 630th Tank Destroyer Battalion fought valiantly in the European Theater during the war. From December 15, 1944 and December 31, 1944 the Battalion participated in actions against enemy forces in some of the most difficult operations known to warfare. The Battalion bravely liberated France, Luxembourg, and Belgium and provided critical support to allied victory in the Battle of the Bulge; proving the resistance and stamina of the American soldier was unbreakable. The heroism of the 630th Tank Destroyer Battalion was undoubtedly critical in bringing victory and peace to Europe. Tragically, many of these heroes never returned home, however their memory will live on forever in the hearts and minds of those they left behind. Beginning in 1963, and annually since 1992, the veterans and their families have reunited thus growing into an extended family of friends.

Madam Speaker, the soldiers of the 630th Tank Destroyer Battalion are heroes and champions of American freedom. As we recognize the outstanding contribution these veterans and those lost in battle have made for the cause of freedom, I ask my colleagues to join me in honoring their many years of selfless service to their community and our country.

## IN MEMORIAM OF A TRAILBLAZING AFRICAN AMERICAN JOURNALIST

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. RANGEL. Madam Speaker, I rise today to honor the lifelong accomplishments of the late Nancy Hicks Maynard, a pioneering advocate for greater diversity in the newsrooms of this country's newspapers. She was a native daughter of Harlem, where her mother nurtured her love for journalism, where she first

noted the incredible power of the press and decided its black-and-white pages desperately needed more color. Both as a strategist working to draw minorities to newsrooms, and as a groundbreaking journalist in her own right, she paved the way for women and African Americans in an industry home to few of either group. She rose from New York Post copy girl to reporter by age 20 and soon thereafter became a member of the New York Times' metropolitan staff—the youngest and first African American woman to do so. There, she covered New York and Washington science, health, education, and domestic policy issues until 1977. At Long Island University, she earned her bachelor's degree and studied journalism, and later, she earned a law degree from Stanford University.

But her love affair with journalism did not end at the written word. In 1983, she and her husband, Robert C. Maynard, purchased the declining Oakland Tribune, which then became the only major daily with African American owners. She and he founded the Maynard Institute for Journalism Education, where they ran a summer program aimed at training minority reporters. Cultivating a broader cultural perspective for American media became the cause of her life. She served as a role model to aspiring journalists of all colors and genders, an exemplar of what dedication to a cause and a strong work ethic can accomplish.

That tenacity and sense of purpose will be missed, but because of her work, her dream of a diversified newsroom has, and will continue, to concretize.

## CAMPUS SAFETY ACT OF 2008

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 7, 2008*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 6838, "Center to Advance, Monitor, and Preserve University Security Safety Act of 2008", introduced by my colleague Congressman BOBBY SCOTT of Virginia.

Sadly, this legislation is in reaction to the numerous tragedies occurring at colleges and universities, including the disastrous events that occurred at Virginia Tech and Northern Illinois University. The Virginia Tech shooting resulted in the slaying of over 30 members of the Virginia Tech family and many others being wounded.

The shooting that occurred on the campus of Northern Illinois University on February 14, 2008 also killed and injured several individuals on the campus. Unfortunately, because these events were the first of their kind for the schools, they were not fully knowledgeable on how to respond.

CAMPUS SAFETY ACT

This legislation will assist all institutions of higher education and states receive the best information possible on campus safety.

This legislation establishes and organizes a National Center for Campus Safety (Center) which will:

1. Provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;

2. Foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

3. Serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

4. Develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

5. Promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

6. Coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

7. Increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions servIng institutions of higher education in the United States;

8. Develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

9. Report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

The Center will train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. By having this information, institutions of higher education will be able to easily obtain the best information available on ways to keep campuses safe and secure and how to respond in the event of a campus emergency.

TEXAS

The good state of Texas has 214 institutions of higher learning alone, with Texas Southern University, University of Houston, and Texas Technical University to name just a few.

With so many institutions comes, so many different standards of campus safety regulations.

CONCLUSION

This legislation would consolidate the information from the various colleges and universities so that the standards for collaboration in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies is consistent throughout the nation. What is done at Prairie View A&M University is also done at UCLA, is done at New York University, and is done at the University of Florida.

I urge my colleagues to support H.R. 6838 and ensure that our colleges and universities are safe places for our young people to study and learn.

## TRIBUTE TO ELLEN LANER

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my good friend and constituent, the late Ellen Laner of Mission Hills, Kansas, who passed away on September 28th.

Ellen Laner led a long and productive life, which served to make Johnson County, Kansas, a much better place for her neighbors and friends. Ellen was a committed and passionate community volunteer who also was very politically engaged. She was named Citizen of the Year by the United Community Services; twice named Volunteer of the Year by the Johnson County Mental Health Association; received the Hannah B. Solomon Award from the National Council of Jewish Women; awarded the Stand Up, Speak Out Award from the Mainstream Coalition; helped in the establishment of Johnson County Community College and served as a member of its Board of Trustees; had many years of service in the Kansas League of Women Voters, eventually serving as President; was very active in the establishment and growth of the Mainstream Coalition and served as President; volunteered as a Board Member of the Johnson County Library Foundation; was an active volunteer for Planned Parenthood of Kansas City and Western Missouri, working as its Resource Development Director and for a short time was its Executive Director; and was a founder of the Johnson County Coalition for Prevention of Child Abuse, now known as Sunflower House.

Ellen Laner was born in Little Rock, Arkansas, the daughter of Noland and Isabel Blass. She came to the Kansas City area in 1950 after her marriage to S. Harvey "Bud" Laner, who preceded her in death in 1980. She was a member of the New Reform Temple and Oakwood Country Club, and loved golf, bridge, dogs, and professional sports. She is survived by her son and daughter-in-law, Joel and Marsha Laner, and their three children, Allison Laner, Blass Laner and Duncan Laner of Kansas City, Missouri. She also is survived by her brother and his wife, Gus and Patricia Blass of Little Rock, and their children, Gus Blass, III, and his wife, Becky; by her sister Constance Blass O'Neill and her husband, Chris; her sister-in-law, Barbara Phillips of Little Rock and her children, Beverly Wittenberg and Peter Phillips and her great-nieces and nephews.

Ellen Laner's civic accomplishments range far and wide, and our community owes her a great deal for her leadership in making Johnson County the strong and caring community that it is today. I was a part of the same generation of many young women, educated in colleges across the Nation in the 1960s, who ended up in Johnson County as the wives of the young men who worked in various professions and businesses in the Kansas City metropolitan area. Motivated by the political turbulence of the 1960s, we wanted to do more for

our community and Nation, in addition to raising our families. Ellen's leadership in the League of Women Voters inspired both men and women to use our education to volunteer, seek public office, and take leadership roles in improving our government, our libraries, and our public schools, and the lives of those who were not as fortunate as us. Many of the women who have served Johnson County so exceptionally well as mayors, city council members, school board members and legislators were motivated, supported and inspired by Ellen Laner.

Madam Speaker, we were fortunate to know Ellen Laner, and we are so very grateful for what she contributed to our lives. I am grateful to this House for giving me the opportunity to share this tribute with my fellow Members of Congress and with the American people.

## THE WEBCASTER SETTLEMENT ACT OF 2008

SPEECH OF

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 27, 2008*

Mr. BERMAN. Madam Speaker, I would like to make clear that no provision of H.R. 7084 should be construed to opine on what entity or entities can be considered a "receiving agent" under 17 U.S.C. Section 114(g)(4). I understand that there is ongoing litigation pertaining to the qualifications of a receiving agent and I would not want H.R. 7084 to influence a court's ultimate decision on this matter.

## EARMARK DECLARATION

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. FOSSELLA. Madam Speaker, I submit the following:

Bill Number: H.R. 2638.

Account: Military Construction, Army Reserve National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $2.955 million will be used for the establishment of an additional Civil Support Team. This team, located within the New York City metropolitan area, ensures that the top terrorist target in the country, New York City, has an immediate and prepared asset, ready at a moments notice, if a chemical, biological, radiological, nuclear, high explosive, CBRNE, incident were to occur.

## LETTER TO REPRESENTATIVE McCOTTER FROM THE LITHUANIAN AMBASSADOR TO THE UNITED STATES, AUDRIUS BRŪZGA

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to place into the RECORD a letter from Ambassador Audrius Brūzga of Lithuania regarding House Concurrent Resolution 255.

EMBASSY OF THE REPUBLIC OF LITHUANIA TO THE UNITED STATES OF AMERICA,

*Washington, DC, September 29, 2008.*

Congressman THADDEUS McCOTTER,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN: I am aware that on September 25, 2008 the United States House of Representatives passed the House Concurrent Resolution 255: Expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated.

I write to express my astonishment and utter surprise that such a Resolution was submited for vote at the time when the process of finding a solution to the issue of the former Šnipiškės Jewish cemetery is at its final stages and all the interested parties are in agreement of the necessary steps and actions.

You may well be aware that on June 25 through July 5 geophysical investigation was carried out by a contractor company from Israel Geotec on 14 chosen areas. Alongside with the geophysical investigation, archeological investigation was carried out by the Lithuanian Cultural Heritage Department.

On September 22nd, based on the results of the said investigations the Lithuanian Minister of Foreign Affairs Petras Vaitiekūnas, Head of the Government working group for the preservation of the former Jewish cemetery in Šnipiškės, presented recommendations to the Government of Lithuania on further steps regarding the preservation of the former Šnipiškės cemetery. One of the recommendations of the working group is for the competent Lithuanian institutions—Vilnius City Municipality, Governor Administration of Vilnius County, the Ministry of Culture—with the participation of the representatives from the Jewish community and the owners of the territory of former cemetery—to organize an open international competition for the monumentalization of the former Šnipiškės Jewish cemetery site.

Furthermore, the former Jewish cemetery in Šnipiškės has gained legal protection in compliance with the decision of the Department of Cultural Heritage under the Ministry of Culture. The Register of Cultural Heritage of the Republic of Lithuania guaranties the permanent preservation of the former cemetery site.

During the whole process, the Lithuanian Government has demonstrated commitment to resolving the controversy over former Jewish cemetery in Šnipiškės by involving Lithuanian and international experts, historians, geophysical survey experts, cartographers and archeologists, and International Jewish communities, as well as allocating appropriate resources for research and analyses. The Government of Lithuania has worked closely and will continue to work with the representatives of the Committee for the Preservation of Jewish Cemeteries in Europe and with other Jewish organizations, in search of a mutually acceptable solution.

Mr. Congressman, Jewish culture, history, sacred sites and traditions are part of Lithuania's national heritage. Sadly, during the period of Nazi and Soviet occupations (1940–1991) much of this has been lost or decimated. It takes time and painstaking efforts to undo the damage. Allow me to assure you that the Government is committed to the preservation of all of the cultural heritage in Lithuania and is doing so in a manner which is consistent with rule of law and justice. It is disappointing when this is not appreciated by the colleagues in the U.S.

Lithuania and the United States are close allies. We share the freedom agenda and we stand together in defence of our shared values. I am certain that we will continue to cherish our strong bonds of partnership.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours sincerely,

AUDRIUS BRŪZGA,
*Ambassador.*

## INTRODUCTION OF THE IMMIGRATION OVERSIGHT AND FAIRNESS ACT, H.R. 7255

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. ROYBAL-ALLARD. Madam Speaker, on any given day, roughly 30,000 immigration detainees are held in a mix of federal, state, local and private detention facilities. Explosive growth in the number of non-citizens in immigration detention across the country has resulted in sometimes shameful conditions of confinement and repeated incidents of detainee abuse.

Although federal immigration authorities adopted detention standards in 1998 and 2000, you wouldn't know it today. These non-binding standards, which cover access to medical care, the separation of violent and non-violent suspects, and access to a lawyer, have not been enforced.

It is long past time that Congress make the federal government abide by its own detention standards. That is why today I am introducing the Immigration Oversight and Fairness Act of 2008.

The bill establishes long-overdue legally binding detention standards for all immigration detention facilities.

The Immigration Oversight and Fairness Act also establishes legally binding standards for Customs and Border Patrol stations which, though not technically detention facilities, house immigrants for a few hours or a few days before their transfer to immigration authorities.

Finally, the Immigration Oversight and Fairness Act treats those detainees who a judge determines are not a flight risk or a threat to society in a more humane and rational way. Under this bill, these individuals would be placed in a proven program of supervised release instead of in a detention facility where the federal government must expend enormous resources to feed, house and watch over them.

Madam Speaker, I look forward to the House considering these critical reforms of the immigration detention system in the next Congress.

## ATCHISON COUNTY COURTHOUSE

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to the Atchison County Courthouse which will recognize the 125th Anniversary of

the Courthouse on October 28th, 2008. A special ceremony will take place to honor the history and tradition of the County Courthouse that has existed since 1863.

The Atchison County Courthouse is located in the county seat Rock Port, Missouri. Atchison County is named after former United States Senator, David Rice Atchison. The Courthouse is home to various county government offices and is the location Atchison County residents venture to conduct county business.

Madam Speaker, I proudly ask you to join me in recognizing the Atchison County Courthouse, an architectural blessing to the citizens of Atchison County. It is truly an honor to serve my home county, Atchison County Missouri in the United States Congress.

## IN HONOR OF DEDICATED PUBLIC SERVANT ASSEMBLYMAN GENE MULLIN

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. SPEIER. Madam Speaker, as happens too often in this age of legislative term limits, the state of California is losing a wise, dedicated and accomplished public servant. Assemblyman Gene Mullin, who was first elected on November 5, 2002 to represent the 19th District of California, will retire at the end of this year.

Assemblyman Mullin represents a district that I, too, once served. I know the people there and I know that no one could serve them better than Gene. I cannot overstate my fondness and admiration for this man. He went into public service for the right reason: To serve. Any conversation with Gene is never about Gene. While many are called ''selfless'', with most it's just a word. Gene truly does put others first—constituents, family, students, even strangers. All who come into contact with him know that when Gene Mullin gives you his word, you can take it to the bank.

Gene served his community long before they chose him to represent them in the legislature. For 32 years, he taught government and coached basketball at South San Francisco High School. In the 1970s, he was tapped by city leadership to serve on the town's Planning Commission, where he was instrumental in attracting Genentech to the city in 1976. This started a bio-tech boom in South San Francisco and is a major reason why the city is on better financial footing than other municipalities. In 1979 the City Council named Gene Mullin ''Citizen of the Year.''

In 1995, Gene Mullin joined the South San Francisco City Council, where he served for seven years, including two terms as Mayor. Upon his election to the Assembly, Gene quickly made a name for himself as a quick study, hard worker and consensus-builder. He retires as Chairman of the Assembly Committee on Education and previously served as Chair of the Committee on Housing and Community Development.

Assemblyman Mullin has worked to ensure education funding for students and teachers. He authored bills to restore the $500 million borrowed from the California State Teachers Retirement System and has pushed programs to assure the quality of child care services. He has also been instrumental in efforts to provide affordable housing for all Californians.

Prior to his government service, Gene was a gifted and much-loved educator. Not only do many of his students still mention him as a favorite teacher and role model, but he was honored as San Mateo County's Teacher of the Year in 1991 and the California Teachers Association's 1996 State Teacher of the Year in Politics.

Gene Mullin graduated with a Bachelor's Degree in Political Science from the University of San Francisco in 1960 and holds a Lifetime Secondary Teaching Credential, also from USF.

Madam Speaker, our state is in serious need of dedicated and intelligent public servants in our legislature. Gene Mullin will be sorely missed in Sacramento, but our loss is his family's gain. A dedicated father, husband and grandfather, Gene can now spend more time with his lovely and vivacious wife, Terri, his two children, Jennifer and Kevin, and three grandsons, Austin, Jonathan and Colton.

Gene has lived his entire life in the Bay Area and we are all richer because of it.

## HONORING SISTER JUDY GARSON FOR HER LEADERSHIP OF THE LITTLE SISTERS OF THE ASSUMPTION FAMILY HEALTH SERVICES

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Sister Judy Garson for her 24 years of service with the Little Sisters of the Assumption Family Health Services. Sister Judy has been an extraordinary leader, ably directing the expansion of the services provided by the Little Sisters of the Assumption Family Health Service and ensuring that the organization continues to be a vital force in the community. After nearly a quarter of a century in dedicated and effective service to others, Sister Judy Garson is embarking on a well-deserved retirement.

The devotion of the Little Sisters of the Assumption to the well-being of families with children in East Harlem is truly remarkable. Since its founding five decades ago this year, the Sisters' Family Health Service has offered community-based health services to historically underserved local residents of ''El Barrio''. Through a broad range of services, including parenting classes, summer day-camp trips for children in the community, and day-care services, the Little Sisters of the Assumption have made an enormous and enduring difference in countless lives.

In her nearly quarter century of service at Little Sisters of the Assumption Family Health Services, Sister Garson has seen its full-time staff expand from 30 to more than 60 employees. Under her guidance, the Little Sisters of the Assumption Family Health Services has evolved into a highly successful, independent organization that will continue to serve the East Harlem community for generations to come. During her distinguished tenure at the Little Sisters of the Assumption Family Health Service, Sister Judy Garson has been at the forefront of the valiant effort to combat HIV and AIDS in a community that has widely been considered an epicenter of this lethal epidemic. With courage and compassion, she reached out to those suffering from HIV and AIDS at a time when misinformation and a lack of public awareness created an impenetrable stigma around those infected with the virus. Her educational outreach offered a shining example of her distinguished and effective service.

Perhaps the most remarkable facet of Sister Garson's 24 years of service with the Little Sisters of the Assumption Family Health Services is the patient and considerate attention that she pays to each and every family in her organization's care. She and her staff do more than identify clients' problems and offer assistance; they take the extra step to help families obtain enduring ways to overcome the obstacles in their lives.

Sister Judy Garson's leadership skills were apparent from the beginning of her career. After completing her bachelor's degree, Sister Judy accepted a prestigious position in Rome as one of five board members responsible for the administration of the Society of the Sacred Heart and its numerous chapters in more than 33 countries around the world. She drew upon the invaluable experience she gained at the Vatican when she returned to the United States, where she brought to bear her inspirational and effective leadership and management skills in our nation's greatest city.

In recognition of her outstanding contributions to the well-being of the people she has served and her extraordinary leadership of the Little Sisters of the Assumption Family Health Services, I ask that my distinguished colleagues join me in honoring Sister Judy Garson, an outstanding and compassionate leader who has dedicated her life to serving others.

## NATIONAL GUARD AND RESERVISTS DEBT RELIEF ACT OF 2008

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of S. 3197, the ''National Guard and Reservists Debt Relief Act of 2008.'' This bill is important because it liberalizes the debt relief standard for those persons who are most deserving, our nation's heroes that serve in the National Guard.

This bill is important because the President has made it more difficult for people to claim bankruptcy. Specifically, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (2005 Bankruptcy Act) was signed into law by President George W. Bush on April 20, 2005. The 2005 Bankruptcy Act is the most comprehensive overhaul of bankruptcy law in more than 25 years. The 2005 Bankruptcy Act makes particular changes to the consumer bankruptcy. The changes to consumer bankruptcy included, among other things, the establishment of a means testing mechanism to determine a debtor's ability to repay debts. Under this test, a chapter 7 bankruptcy case is presumed to be an abuse if it appears that the debtor has income in excess of certain thresholds.

S. 3197 would exempt certain qualifying reserve component members of the Armed Services and National Guard members from the means test's presumption of abuse. This bill responds to the fact that some who serve in the National Guard and the Reserves encounter financial difficulties and that they should not be subject to the additional proof requirements of the means test.

Members of the armed services, National Guard, and reservists find themselves in a precarious economic situation. Before they are deployed they have stable employment and they expect a set amount of money. However, deployment brings with it change in livelihood and lifestyle. When a spouse is deployed, the spouse that remains behind must now work, find baby sitters, and are subject to a myriad of life-altering financial changes. Sometimes houses have to be sold and deployment can cause all sorts of financial hardships. Simply put, the armed services, National Guard, and reservists should not be penalized.

I cosponsored the House version of this bill H.R. 4044, and I urge my colleagues to support it. This bill makes sense because often armed services personnel and reservists receive high compensation when they are away on hazardous tours or combat zones. However, when these individuals return, their income is not as high. Therefore, it is unfair to subject these individuals to the means test. Simply, the means test is whether the person has the means to pay his or her debts. Hazard pay and temporary high pay for combat work is not necessarily a good indicator of person's means or ability to pay. These individuals are serving our country and have legitimate financial concerns. I do not believe that they should be penalized. I believe we should help our armed services personnel for giving so much to fight for and protect this country. The least we can do is help them.

I firmly believe that we should celebrate our National Guard and reservists, and I remain committed, as a Member of Congress, to ensuring that we demonstrate our respect for them. The National Guard and reservists have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love.

As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

We must always remember the debt that we owe our National Guard and reservists that are willing to lie down their lives for us and render the ultimate sacrifice for our freedom and security. Our gratitude must continue to be unwavering.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our Nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

I urge my colleagues to support this bill.

## MANUFACTURERS KNOW ALL ABOUT ECONOMIC COLLAPSE

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. WOLF. Madam Speaker, I want to share with our colleagues a commentary from the recent edition of Manufacturing & Technology News by its editor Richard McCormack. He writes that manufacturers in this country know about economic collapse because that sector of our economy has been on the downward slide for years and that their experience should be a lesson for this Nation's leaders who are trying to find a way to turn around the economy. His article follows:

[FROM THE MANUFACTURING & TECHNOLOGY NEWS, SEPT. 30, 2008]

COMMENTARY: MANUFACTURERS KNOW ALL ABOUT ECONOMIC COLLAPSE

(By Richard McCormack)

It is sad what has happened to the United States.

For years, as editor of Manufacturing & Technology News, I have heard dozens of domestic manufacturing company CEOs talk about an impending ''collapse'' of the U.S. economy. These were the men who were in the unenviable position of having to close their companies or shut down factories and watch as most all of their competitors did the same thing.

These were the men who implemented Six Sigma, lean, ISO 9000, and the Baldrige National Quality and Shingo Prize criteria. They were leaders who agonized over having to move the world's most efficient production capacity from the United States to Mexico and China in order to stay in business, because no matter how good they were, it wasn't good enough to survive. They could compete with other companies, but they could not compete against other COUNTRIES—countries that cheated in every way imaginable.

These manufacturing company CEOs were men who loved their employees. Who grew up with their employees. Who knew their families. Who knew in their hearts the economic, cultural, moral and physical destruction that was being wrought upon their communities.

U.S. manufacturing company CEOs died many deaths, watching as Wall Street mavericks and their economic ideological apologists in the U.S. federal government, in Congress and their high-paid agents in Washington, D.C., forced hundreds of thousands of dedicated, hard-working Americans into the street, to fend for themselves in a game that was rigged against them.

Has the financial class driven through the heartland of America lately? Have they not taken AMTRAK between New York City and Washington, D.C., passing through the industrial back lots of Baltimore, Wilmington, Philadelphia, Trenton and Newark? Have they not seen an American landscape stretching for thousands of square miles that looks like it has been bombed out?

There are places in America that are ''healthy,'' but these places are even worse: shopping and strip malls located on the edges of America's deteriorating towns and cities, lined with vast parking lots and national chain stores: Applebees, Home Depot, Wal-Mart, Wendy's, Days Inn, Outback Steak House. They are soul-less places—''Anywhere USA''—as depressing as the crumbling inner city cores of hundreds of American cities and towns. This is what has become of America. Wall Street had a lot to do with this. As part of the financial bailout bill, they needed to include a provision on teaching ethics and civics.

The heroic men running companies that made durable goods wept on the phone when I called to ask about why they closed their factory after it had been in operation for 80 years or more.

These people were not selling financial paper or making products that were obsolete and no longer in demand, like buggy whips. And yet when I speak with economists about manufacturing, they invariably rationalize the loss of America's wealth-generating sector by claiming the companies that are dying are making ''buggy whips.'' It is wrong and it is infuriating. We're talking about the United States economy, which has just suffered a massive financial heart attack.

I remember writing about the manufacturing job situation in early 2004. It was the 35th consecutive month of manufacturing employment layoffs, with the latest BLS figure coming in at 135,000 production workers being told to go home and not ever come back. This was a crisis. I wondered why in the hell not a single person in the Bush administration and only a handful of people in Congress cared about the collapse of the wealth-generating sector of the American economy. As is happening with the financial sector today, manufacturing five years ago was being disassembled in front of their eyes. There were no bailouts—manufacturers weren't looking for them—there weren't even bromides.

I remember thinking as Bush invaded Iraq that it was America's last great hurrah. As America's military hardware was being shipped to the Middle East, America's industrial base was being shipped in the opposite direction to China. The war was happening at the same time that ''outsourcing'' became a big story in the media. But the business press got bored and started covering the incredible run-up of housing prices. ''Whoopee,'' said all the journalists and economists. ''Who needs industry when we've got finance and housing!''

But the manufacturing industry's plight continued. I wanted to rename my publication ''One Outrage After Another.'' I was constantly questioning whether I should continue writing all the stories of companies dying, of industries leaving, of workers being laid off, of trade deficits skyrocketing, of China cheating, of the perverse reaction among Washington elites to rationalize the destruction. I wondered if I was the problem. If being Irish meant fixating on the negative. But I had covered manufacturing through the 1990s, and the story wasn't depressing. I even wrote a book about U.S. companies' adoption of the Toyota Production System and lean manufacturing and the good it was doing. It was not me. It was the story that could not be ignored.

I got to know other people who couldn't sleep at night fretting over what was happening to the United States industrial base. These were patriotic people who started to coalesce around these issues, who were utterly perplexed by the federal government's total unwillingness to act on behalf of American producers and their workers.

The government knew what was going on. But its political appointees made nonsensical ideological arguments concerning ''free trade'' and ''free markets.'' ''We've got a war going on, we can't support U.S. manufacturing'' was a refrain I heard over and again by political appointees at the ''Commerce'' Department and White House.

Manufacturers weren't looking for a hand out or a bailout. They only wanted one thing: for the United States government to put the interests of American producers

above the interests of foreign countries, foreign producers, importers and the multinational companies that were taking advantage of mercantilist practices in China. American manufacturers wanted the U.S. government to put the interests of American producers ahead of the law firms representing foreign shipping companies, the lobbyists representing Wall Street and, again, the multinational companies that were swimming in record profits by sending their production offshore; all while the critical manufacturing sector was left for dead. ''Good riddance,'' said the financial elite and its power structure: ''those jobs sucked anyway.''

Those same free-market, capitalist, anti-government, anti-regulation ideological zealots are now begging—demanding—that taxpayers give them a trillion dollars for destroying the American economy.

I never once reported about the dire warnings of an economic meltdown—about the inevitable financial catastrophe being caused by the asymmetrical global trade imbalances that were mounting by the day. I had my own 401k to worry about along with three older children, and I was not going to be a reporter who stoked the possibility of economic Armageddon.

I guess I was wrong. I guess I should have been reporting on the impending collapse because President George Bush, Treasury Secretary Hank Paulson and Federal Reserve Chairman Ben Bernanke sure haven't had any such reservations about scaring the bejesus out of us.

What strikes me as particularly sad, however, is the clear FACT that in all of the discussion about bailing out the financiers and their agents who killed the American economy, there has not been one mention of the real reason for America's collapse, nor of what is needed to start the long process of restoring the country back to some semblance of economic health.

The housing bubble and sub-prime loans are only part of the problem.

The real culprit is the fact that almost everything Americans buy is made somewhere else. The country continues to ship all of its wealth overseas. Did the economic policy makers not watch the opening ceremony of the Olympic Games in Beijing? Have they not seen the 200–story skyscrapers going up in Dubai?

The core of America's economic problems stem from the trade deficit and the elimination of tens of thousands of factories and millions of jobs that were creating the wealth the country needed to pay for everything. Without that wealth, the financial sector invented playthings and the nation borrowed until it could borrow no more.

Oh, but wait! The answer to the problem is to borrow more to bailout the people who over borrowed. The Paulson proposal, unexpectedly defeated on Monday September 29 in a harrowing live television broadcast, was to allow the U.S. government to payoff bad debts by going deeper into debt. It did not sit well with anybody.

September 29, 2008, will be an important day in the history of the American Republic. It is the day the American era ended. Watching the live pictures on CNBC of the traders in the pits watching the television monitors above their heads as the vote on the House floor was tallied was like watching New Yorkers standing in horror as they watched the burning World Trade Center towers in 2001. The congressional vote count was simulcast with the Dow, and they were crashing in unison. There was shock in the eyes of the traders, and a panic among the CNBC broadcasters, who couldn't believe what they were witnessing. These men and women are consummate professionals and are not prone to panic. But there they were barking out: ''What's happening with gold?'' ''Look at the oil markets!'' The market did what the towers did and what our President predicted: it collapsed. For the second time in seven years, the energy was visibly drained out of Lower Manhattan and the country at large, as it realized a scary new era had begun.

Yet, there is still NOT ONE mention from anyone in power—especially not the two presidential candidates, nor of a single congressional leader—of what is really needed to bailout the United States.

The only way out of this mess is for the United States do everything it can to make the country what it was until 30 years ago: a nation that valued manufacturing.

The U.S. economy long ago collapsed around domestic manufacturers. Now it's collapsing around the financial wizards who either forget or didn't know that their livelihoods depended on a robust industry and workers making livable wages.

As someone who works in Washington, attends press conferences, government meetings, congressional hearings and who asks questions of the power elite, I can assure you from first-hand experience that the United States government did not do a single thing—nothing—to re-set the global ground rules to allow U.S. industry and its millions of workers to be competitive. In fact, all the rules were changed to favor the foreign and financial interests. The country is now paying the real price of saving a few bucks at Wal-Mart.

The United States government and its elected reprsentatives long ago stopped representing the interests of American workers and American producers. If there is any silver lining in the historic House vote on the Bailout Plan on September 29, it is that maybe Congress has woken up to the power of the people. Unfortunately it was the wrong time to wake up. ''The people'' must now pay the consequences of their elected representative's somnambulance. They must now prepare to confront the ''dire'' consequences caused by decades of Wall Street's short-term focus on quarterly profits at the exclusion of everything else.

The country has a lot to learn from American manufacturers and their workers, and it will not like what's coming one bit.

## IN RECOGNITION OF GOODWILL INDUSTRIES OF GREATER NEW YORK AND NORTHERN NEW JERSEY ON THE OCCASION OF ITS COMMUNITY CONNECT ACTION DAY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, I ask that my distinguished colleagues in this House join me in saluting Goodwill Industries of Greater New York and Northern New Jersey. This outstanding institution has proudly and effectively served residents with disabilities and disadvantages living in the New York City metropolitan area since its founding in Brooklyn in 1915. Throughout its illustrious history, Goodwill Industries has carried out its critical mission, which is to ''enhance the quality and dignity of life for individuals, families and communities.''

Last year, Goodwill Industries of Greater New York and Northern New Jersey provided services to more than 120,000 people, placing 13,000 in jobs. Over the course of the last five years, it helped to connect 53,000 persons with employment opportunities. In 2007, it served more than 9,500 persons with disabilities, and placed almost 2,800 of them in jobs. Goodwill Industries of Greater New York and Northern New Jersey employs more than 1,800 people with disabilities, and its youth programs provide education, recreation and enrichment to 9,400 children and their families. And, as the Member of Congress representing the neighborhood of Astoria in the Borough of Queens, I am proud of Goodwill Industries' long-term commitment to serve the Two Coves community of Astoria, where its headquarters are located.

This year, the Northwestern Mutual Life Insurance Company is celebrating its 150th anniversary by supporting family-strengthening initiatives across the nation. Northwestern Mutual is working in tandem with Goodwill Industries International to achieve this laudable goal. With 184 member and affiliate Goodwill agencies around the world serving 1.1 million individuals and placing 140,000 in employment, the program promises to be an outstanding success.

This month, Goodwill Industries of Greater New York and Northern New Jersey and the Northwestern Mutual Foundation are co-sponsoring a Community Connect Action Fair at Lighthouse Park on Roosevelt Island in New York City to help connect New York families with employment and community resources while providing healthy, entertaining activities for children and adults alike.

Madam Speaker, I ask that my distinguished colleagues rise to join me in saluting the tremendous contributions of Goodwill Industries of Greater New York and Northern New Jersey to the civic good of the communities it serves, and to recognize the vital support for those efforts provided by the Northwestern Mutual Life Insurance Company and its Northwestern Mutual Foundation. All Americans owe these great institutions a debt of gratitude for their selfless and compassionate efforts to serve others.

## HONORING THE 33RD ANNIVERSARY OF BISHOP GEORGE W. BROOKS

### HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. WATT. Madam Speaker, I am pleased today to recognize the 33rd anniversary of Bishop George W. Brooks as Senior Pastor and Chief Elder of Mount Zion Baptist Church in Greensboro, NC.

Since becoming the pastor of Mt. Zion Baptist Church in 1975, Bishop Brooks has proven to be an inspirational leader in Greensboro, our nation and around the world.

Under his leadership, the Mt. Zion Baptist Church has flourished from 35 members in 1975 to over 5,000, and 42 ministries that work to address some of the fundamental needs of its congregation, the Greensboro community and people abroad. Examples of these ministries include daycare and after-school programs that serve 200 children daily, homeless outreach, health and wellness care and the One In Christ Bible College. Internationally, Bishop Brooks and his congregation have established churches and schools in

West Africa, South Africa and the Philippines, including the first Bible School in a South African prison to reduce recidivism. In the midst of all his accomplishments, Bishop Brooks is also an outstanding husband, father and grandfather.

Bishop Brooks is also the co-founder of the Welfare Reform Liaison Project, a program that has been recognized by the U.S. Department of Housing and Urban Development for empowering welfare recipients with the skills to become self-sufficient.

Madam Speaker, we are often reminded and we all agree that government can't solve all our problems. It's great to know that we're getting help on the ground from faith and other non-government organizations. Bishop Brooks and Mt. Zion Baptist Church are certainly doing their part. I'm sure my colleagues join me in wishing Bishop George W. Brooks and the Mt. Zion Baptist Church congregation a happy 33rd pastoral anniversary and best wishes for years to come.

## HELPING AMERICAN WORKERS

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. UDALL of New Mexico. Madam Speaker, we cannot allow the understandable focus on Wall Street to distract us from the struggles facing America's working families. The families of more than 5,000 New Mexico workers who are still looking for jobs in our struggling economy could soon face destitution. On this day when we consider legislation providing $700 billion in taxpayer dollars to bail out Wall Street, we must do something to help the working families and to make our economy start producing jobs again.

The Unemployment Insurance extension bill we are voting on today does what is right for New Mexico workers who need a helping hand so their families can make ends meet while they look for jobs in our struggling economy. It also does what's right for every New Mexico family concerned about our state's economy, because it will boost economic growth so we can start producing jobs again. Experts consider extending unemployment insurance to be one of the quickest and most efficient ways to make the economy produce jobs again, since the benefits go to workers who need the money and will spend it quickly. Moody's Investor Service's Economy.com Chief Economist Mark Zandi estimates that every $1 increase in UI benefits results in a $1.64 infusion of economic activity.

Numbers released today by the Bureau of Labor Statistics show that America has lost jobs for 9 straight months. New Mexico's unemployment rate rose from 4.1 percent to 4.6 percent in August, the last month for which numbers are available. It is up from 3.1 percent in January. Since the beginning of the year, the economy has lost 760,000 jobs. The job loss in September was the largest one-month jobs loss in 5½ years, more than twice the average of the previous 8 months.

These numbers make two things clear. First, the Bush administration's economic policies have failed, and we need to go in a new direction. Second, American workers need our support. They are suffering because of economic policies they had nothing to do with. As I continue to work for real reforms to fix our financial system, I will not forget New Mexico's working families.

## HONORING TEXAS STATE REPRESENTATIVE PAUL MORENO

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. REYES. Madam Speaker, I rise today to pay tribute to my fellow El Pasoan, Texas State Representative Paul Moreno, an institution in El Paso and the State of Texas and the longest serving Hispanic elected official in the United States.

After over 4 decades of public service and a distinguished career defending and championing the rights of the poor and disenfranchised, he has left his mark on American politics.

Born in 1931, Paul Moreno grew up in the Segundo Barrio of South El Paso. After high school, he proudly served 6 years in the United States Marine Corps and saw combat in Korea, earning the Presidential Unit Citation, the Silver Star, the Bronze Star, the National Defense Service Medal and the Korean Service Medal.

After his military service, Paul went on to earn his bachelor's degree from Texas Western, now the University of Texas at El Paso, and he also attended the University of Texas at Austin School of Law.

Representative Moreno first won election to the Texas House in 1967. During his tenure, he has always been a passionate and outspoken advocate for the poor, the disabled, and the underdog. He fought on behalf of the next generation of Texans and vigorously supported improving education, economic opportunities for our youth and health care for our children. He has been a staunch advocate on behalf of teachers, and for over 40 years has been a champion of working families. In short, Paul Moreno has been a voice for the people, and many consider him to be the "Conscience of the Texas House."

Representative Moreno has worked with 8 governors and many speakers of the House, and currently presides as the dean of the Texas House. Even though his voice may no longer echo in the halls of the State Capitol in Austin when his term is over at the end of this year, it will continue to guide those who strive to live up to the example of public service that he has set for us all. He will be missed.

## T4

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. CANTOR. Madam Speaker, I submit the following:

T4 . . . .
The next generation!
As great as any others who have come before!

An Army Man . . .
Who, with but his great heart here now so stands!

Part Titanium, Part Man . . . The New Prototype, of an Army Man!

Who's Tours DeForce . . .
All in his life's force, with his tours of duty while all out on death's course . . .
A Freedom Fighter, the kind our hearts and souls so here ignite here . . . with all of his great life's force!

Special Forces . . .
And 107th Cav, those great men of honor who freedom so enforce this!
With great acts of daring and might, with all of their most superhuman feats . . . are but freedom's voice!

Where do you go?
When your face and body, have been blown and shattered here so?
How do you rebuild with no back left still? For it's all found so deep down inside, in what a heart can will!

Piece by Piece, as this T Man has grown . . .
Day by Day, Hour by Hour . . . as all have so found out what his soul can shower! As he stands alone!
To find the courage on battlefields of honor, in operation rooms he towers! All in courage's finest hour!

Eggleston, a doctor's son . . .
A sure fine one, as is this America's Son . . . Terminating evil this one!
A Virginian who so shines, for all of us so in time . . . as we watch his heart . . . his fire . . . burn like The Sun!

For all of those who go off to war . . .
Are but the greatest of all Americans so sure, who for us all . . . our very freedom do so insure!
For all that we have, all in this land of the free . . . is but bought and paid for, by all these fine heroes sure!

The people who hate war the most!
Are but all of those Magnificent Brave Heart's, who must face death . . . and lose their comrades close!
And leave their loved ones behind in tears, with sleepless nights here . . . all so that we can have the most!

In life, all is possible in what you feel . . .
All in what you so stand for, your ideals . . . deep down inside ones heart so real . . .
That let's you go off to war, to face heartache and death . . . and evil to endure and rebuild, and not yield!

Like T4 . . .
Bodies can grow and rebuild, with but hard work, courage and iron wills . . . with titanium and more . . .
But, without a heart . . . one can not so live and endure . . . only with, these special forces within like T4!

Dedicated to Charles Eggleston.
Grew up in Richmond, Va. E6 Staff Sergeant Special Forces and 107th Cav.
He was injured in Mousal, Iraq, in an IED blast. Legs, back and face reconstructed with titanium.

## IN HONOR OF CAPTAIN ROBERT VALLEJO II

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BURGESS. Madam Speaker, I rise today to pay tribute to Captain Robert Vallejo II who was killed on September 18, 2008, while serving our country.

Captain Robert Vallejo II was a captain in Texas National Guard. He and six other Guard members lost their lives while on duty aboard

a Chinook helicopter near Tallil, Iraq. The soldiers were assigned to the 2nd Battalion, 149th Aviation, 36th Combat Aviation Brigade based in Grand Prairie, Texas. Captain Robert Vallejo II will be remembered for his commendable and selfless service to this great nation.

Captain Robert Vallejo was born in Beeville, Texas, and later moved to Fort Worth. He was a member of the ROTC program at Texas Christian University, where he graduated in 2005 with a Communication Studies degree before being accepted to flight school at Fort Rucker, Alabama. He dreamed of being a pilot and he put his passion into practice when he joined the Texas National Guard.

Madam Speaker, it is my honor to recognize such a brave man as Robert Vallejo II. I am proud to have had the chance to represent him in Congress. Our thoughts and prayers go out to the family and friends of this American hero.

## HONORING THE MARINO-CAPPELLO FAMILY

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased that this week the Senate has followed the House in passing the Fostering Connections to Success and Increasing Adoptions Act of 2008, H.R. 6893. This landmark legislation will make significant improvements to child welfare through numerous provisions, including reauthorizing the Adoption Incentive Program and increasing education oversight for youth in foster care.

I would also like to recognize Voice for Adoption, an organization that works to improve our adoption policies. There are 129,000 children in foster care who are waiting to be adopted, and many families who wish to adopt. These numbers may sound daunting, but Voice for Adoption positively illustrates the need to adopt through the Adoptive Family Portrait Project. This program promotes adoption by matching Members of Congress with a photo of an adoptive family from their district or State.

It has been my privilege to participate in this project for the second year in a row and I have decided to display the photo in my DC office for an entire year. The 2008 theme emphasizes the importance of sibling connections for youth in foster care and adoptive placements.

I am honored to recognize the Marino-Cappello family. Sandy Marino and her husband Sam Cappello were moved when they learned about the many waiting children in the New Jersey foster care system. Five adoptions later, they have been blessed with Kirby, who was adopted as an infant from South Korea; Percy, Maya and Violet, who are birth siblings adopted separately as infants; and Helena, adopted at seven months. Caring for medically-fragile, drug-affected infants has stretched the Marino-Cappello family to new limits. They deserve praise for their willingness to provide permanent, loving homes for children in foster care, despite challenges.

H.R. 6893 will help families like the Marino-Cappellos to better provide for the special needs of children adopted from foster care. I applaud the passage of this much-needed legislation.

## IN RECOGNITION OF JAMES F. LONERGAN ON THE OCCASION OF HIS RETIREMENT FROM THE NEW YORK CITY DEPARTMENT OF EDUCATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to James F. Lonergan, a distinguished New Yorker who has selflessly devoted himself to his community and our nation. His contributions to the civic life of New York City are being recognized this month as he begins his retirement after many years of dedicated public service at the New York City Department of Education's Division of School Facilities, which he served with distinction as its Chief Executive Officer.

After serving in the United States Navy in Vietnam, James F. Lonergan joined the New York City Department of Corrections. At the Department of Corrections, he served as Stationary Engineer, Senior Stationary Engineer and Supervisor of Mechanics. In 1989, he joined the New York City Department of Education and rose through its ranks, serving as Deputy Director of Facility Maintenance, School Plant Manager, Assistant Director, Director, Senior Director and ultimately Chief Executive Officer of the Division of School Facilities. As the Chief Executive Officer, he supervised 9,000 employees and managed a $1 billion budget with effective leadership and consummate skill. Dedicated to education and self-improvement, he also earned a master's degree in urban affairs.

He made the School Facilities Mission Statement his mantra: ''To provide a safe, warm, clean setting that is conducive to the education and nurturing of our children in the most economic and efficient manner possible and to provide a school environment that allows students to realize their full potential and to improve the quality of life in the community we serve.''

James F. Lonergan views our public schools as cornerstones of the community, symbols of prestige in the community, and harbingers of a better future. He dedicated himself to making every school in his purview a ''beacon of light'' for the surrounding community. He was relentless and untiring in his efforts to improve the ''circle of quality'' that are our public schools. He fought against complacency, warning his co-workers that efforts to improve school facilities were never completed, and urging them on with the words, ''We must do it for the children.''

Born in the Bronx in 1951 into a family of four boys and six girls, James and his family moved to the Borough of Queens in 1953. He is devoted to his wife, Joanne Lonergan, a teacher at Public School 24Q. Together they were blessed with two children, James III, 28 years old, a manager with the Social Security Administration, and Kelly, 26 years old, an attorney.

In keeping with his energetic, can-do disposition, James F. Lonergan is not so much retiring as moving on to other activities. He is earning a second master's degree, in pastoral theology at St. John's University, and will continue to serve as a certified lay minister at Holy Trinity Parish and as a Eucharist minister. He will also remain very active in several veterans' and civic associations, including Vietnam Veterans, American Legion, Veterans of Foreign Wars, Building Owners Management Association, Taxpayers Association, and the Whitestone Booster Association.

Madam Speaker, I ask that my colleagues join me in recognizing the contributions to our civic life made by James F. Lonergan on the occasion of his retirement from a distinguished career as a dedicated and effective public servant.

## EXTENSION OF QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECT BONDS AUTHORITY

### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. LEWIS of Georgia. Madam Speaker, I support extending authority for the issuance of qualified green building and sustainable design project bonds. I fought for the inclusion of this extension in this bill because of its importance to Atlanta. I fought for this extension because I believe the use of these bonds helps finance cutting-edge, environmentally conscious redevelopment projects like the Atlantic Station project in Georgia. Over and over again businesses and developers are seeing that going green improves their bottom line. Projects like Atlantic Station and green initiatives must be commonplace in the future.

The authority to issue qualified green building and sustainable design project bonds was set to expire in 2009. Unfortunately bond applications were not even approved until 16 months after the legislation creating the authority to issue these bonds passed in 2004. The delay caused setbacks because the technology and engineering behind these projects are groundbreaking. To make up for that lost time, this bill extends the authority to issue qualified green bonds through September 30, 2012. In addition, this legislation clarifies that amounts in a reserve account may be released to the project five years after the date of issuance of the last bond issue issued with respect to the project. This will make sure that all funding can be made available to these projects in a more timely and efficient manner. While this legislation makes small but important changes, it does so without altering any other aspect of this enormous program, such as the tax-exempt status of these bonds.

I am proud to support this effort and the good work occurring right in the 5th District of Georgia. The Atlantic Station project has been good for Atlanta. It is in the national spotlight. Major efforts like this are necessary to show cities across America there is a better way forward for our environment and our communities. I appreciate the work of my colleagues and the Chairman of the Ways and Means Committee, Chairman RANGEL, for helping make sure these projects are given the opportunity to succeed. I look forward to continuing to work with him on this and welcoming him to

Atlanta to witness firsthand the result of this investment.

## INTRODUCTION OF THE PROTECTING HOSPITAL OUTPATIENT AND COMMUNITY CLINIC SERVICES ACT OF 2008 (H.R. 7219)

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. McHUGH. Madam Speaker, on September 29, 2008, I introduced legislation, the Protecting Hospital Outpatient and Community Clinic Services Act of 2008 (H.R. 7219), which would prohibit the U.S. Secretary for Health and Human Services (HHS) from taking any action before April 1, 2009, to implement a proposed regulation related to the redefinition of Medicaid outpatient hospital services. This initiative was developed by HHS' Centers for Medicare and Medicaid Services (CMS) and was published on September 28, 2007 (72 Federal Register 55158).

The proposal is designed to limit the definition and scope of Federally reimbursable Medicaid outpatient services provided in a hospital clinic or facility as well as those offered in a rural health clinic. CMS has stated that it is unable to determine the fiscal impact of the rule and that they believe this measure would not significantly alter current practices in most states. However, the National Association of State Medicaid Directors (NASMD) reports that the proposed regulation ''would significantly affect the Medicaid program in every state.'' According to one source, in New York State alone, health care providers would lose over $452 million. It is important to note that this estimate, large as it is, excludes the costs encountered by hospital settings. By way of example, New York's 23rd Congressional District, which I have the privilege of representing, would lose over $2.6 million in Federal funding. Moreover, even after attempting to fully analyze this complex regulation, New York State is still unable to fully assess the total magnitude of its impact.

Needless to say, such a loss of funding would have a devastating impact upon the health care infrastructure, and thus the residents, of Northern and Central New York. Specifically, several constituent providers have estimated the proposed rule would not only reduce their ability to provide critical services to some of our nation's most vulnerable individuals but also literally force these providers out of business.

As stated above, CMS readily admits, it does not fully understand the impact of its actions. The State of New York has documented that the proposal would result in significant negative consequences. In the face of such circumstances, prudence demands that the rule's actual consequences be thoroughly examined, and well understood, before its implementation. H.R. 7219 would provide CMS, and Congress, until April 1, 2009, to closely examine the proposed rule and act accordingly. Thus, I urge my colleagues to join with me to enact this legislation before the conclusion of the 110th Congress.

## IN SUPPORT OF TITLE H.R. 6503, TO AMEND THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 TO REAUTHORIZE THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for your leadership in bringing this bill to the floor. I support H.R. 6503, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program. I urge my colleagues to support this bill.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over 5 million Americans suffer from Alzheimer's disease, and that 60 percent of these are likely to wander from their homes. Alzheimers diseases and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimers Association, up to 50 of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

H.R. 6503 reauthorizes the existing Missing Alzheimer's Disease Patient Alert Program. The bill authorizes $5 million for each fiscal year through 2015 for competitive grants to nonprofit organizations. The money may be used to pay for the ''costs of planning, designing, establishing, and operating locally based, proactive programs to protect and locate missing patients with Alzheimers disease and related dementias and other missing elderly individuals.'' The bill states a preference for ''national nonprofit organizations that have a direct line to patients, and families of patients, with Alzheimers disease and related dementias.''

When I consider the necessity of this bill, I am reminded about the time when I was personally called upon by a constituent in the 18th Congressional District in Texas. A few years back, the family of Mr. Sammy Kirk, enlisted my help in searching for Mr. Kirk. Mr. Kirk was an elderly man, suffering from Alzheimers and he had wandered away from his family in Houston. He was lost. His family called me to help search for him. I, along with his family, searched many hours and many days. In total, I searched for 3 days for Mr. Kirk. Finally, Mr. Sammy Kirk was found. He was found and he was dead. He wandered many miles away from his family and was found dead along the bayou. It would have been so much easier, and his life could have been spared if there was an electronic monitoring service that could have been used to help keep Mr. Kirk close to his family and it would have certainly aided in our search for Mr. Kirk. An innocent, yet vulnerable, life could have been saved. This bill is necessary and I encourage my colleagues to support it.

## IN RECOGNITION OF LIFETIME TELEVISION'S CONTRIBUTIONS TO THE FIGHT AGAINST SEXUAL ASSAULT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Lifetime Television for its vigorous and effective educational programs that help promote efforts to combat the epidemic of sexual assault that has afflicted our nation. Among other measures, Lifetime Television mounted an extraordinary campaign to inform its millions of viewers about the Debbie Smith Act that was enacted into law in 2004 as part of the Justice for All Act. A reauthorization bill passed both the House and Senate this year and awaits the President's signature.

Founded in 1984, Lifetime Television is a national leader in women's television that now serves 96 million households across America. One of the top-rated basic cable television networks in the world, Lifetime is committed to offering the highest quality entertainment and information programming, and educating viewers about a wide range of issues affecting women and their families.

Lifetime Television and its top leadership have also been remarkable in their commitment to serving their viewership through public education and outreach efforts. Countless not-for-profit and community-based organizations have benefitted from Lifetime's commitment to addressing critical issues in our society, increasing public awareness of violence against women, breast cancer, race relations, school bullying and AIDS. Many Members of Congress and government decision-makers from both sides of the aisle have praised Lifetime Television for helping to use its expansive reach as the most popular women's television network in the world to help generate support to enact sound public policies.

Lifetime Television's educational outreach efforts played an instrumental role helping to pass the Debbie Smith Act in 2004. Their educational efforts helped generate a groundswell of support from the public.

I was honored to name that bill after a courageous, determined advocate named Debbie Smith when I first introduced it in the 107th Congress. A rape survivor, she had been invited to testify before the House about the lack of resources to test DNA samples collected in rape and sexual assault cases. Her compelling testimony and relentless advocacy were instrumental in garnering support for the bill. The legislation increased federal spending on DNA evidence processing to $151 million annually from fiscal year 2005 through 2009, and created a new grant program providing resources to sexual assault examiners and acquiring forensic equipment. It was called ''the most important piece of anti-rape legislation that Congress has ever passed'' by the Rape Abuse and Incest National Network, or RAINN.

Lifetime has maintained that degree of commitment throughout the course of its Emmy Award-winning ''End Violence Against Women'' campaign over the last seven years. Lifetime Television later dramatized Debbie Smith's inspirational activism in an original

movie, "A Life Interrupted: The Debbie Smith Story."

Madam Speaker, I rise to request that my distinguished colleagues join me in recognizing Lifetime Television for its tireless efforts to educate and inform the American public about important issues confronting women in our society and to achieve equality and justice for women all over the world.

## COMMEMORATING THE LIFE AND PUBLIC SERVICE OF STAN MAYFIELD

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. PUTNAM. Madam Speaker, I rise today to honor the life and public service of Stan Mayfield—a native Floridian, civic leader, and defender of the taxpayer. Florida lost a dear friend on September 30, 2008, when Stan Mayfield's hard fought battle with cancer came to an end.

As a businessman, school board member, and a state legislator, Stan's community leadership is a testament of his commitment to public service. However, his greatest role was that of husband and father. I extend my deepest and most heartfelt sympathies to his wife, Deborah, and their three sons—Evan, Samuel, and Coleman, at this difficult time.

Stan's community involvement was expansive, from his service on the Indian River County School Board to his tenure in the Florida State House of Representatives. Stan was known for his tenacity to hold government accountable for greater transparency, and his determination to cap spending and fight for lower taxes, but his passion for greater infrastructure, conservation, and Indian River County is what his friends and colleagues will remember.

Most recently, Stan was preparing for a new chapter in his life after winning his primary election for Indian River County Tax Collector. A model of strong perseverance, Stan refused to allow his illness to deter him from public service and doing what he loved—serving people. It was this motivation and resolve that Stan put toward every challenge that truly exemplifies his character.

My thoughts and prayers are with Stan's loved ones, his friends, and his many colleagues who served with him throughout his many years in public service.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. BACHUS. Mr. Speaker, the people of Alabama will be losing two outstanding public servants at the end of this session with the retirements of Congressman BUD CRAMER and Congressman TERRY EVERETT.

During the time that I have served in the House, I have been honored to call them both colleagues and friends. They have served the constituents in their own districts extraordinarily well, and have been a key part of securing the reputation of the Alabama delegation as a group that works together on a bipartisan basis for the good of our State.

Congressman CRAMER has had a long and distinguished record of service. One great legacy is his stalwart support of our space and missile defense programs. Whenever questions on those programs came up in the House, we looked to BUD CRAMER for his knowledge and guidance. As a result of his efforts, facilities in the Fifth District like NASA's Marshall Space Flight Center, the U.S. Army Aviation and Missile Command, and the Redstone Arsenal have become not just important employers in Alabama but true national assets.

We admire and respect BUD CRAMER for another reason: his great compassion for children and deep concern about the tragedy of child abuse. Each year, the National Children's Advocacy Center in Huntsville that he founded teaches thousands of people how to recognize and help at-risk children.

For years, it has been my pleasure to work with Congressman TERRY EVERETT of the Second District. He has always been the type of representative who makes this House work. He holds firm to his principles, but works across the aisle to find solutions.

With his duties on the Armed Services and Intelligence Committees, Congressman EVERETT developed a well-earned reputation for expertise in defense and intelligence issues. Whenever my staff or I had a question about these matters, our response was: "Ask TERRY what he thinks." His support of the excellent work being done at Fort Rucker and the Maxwell-Gunter Air Force Base has benefited both the constituents in his district and the people of our country by strengthening the national defense.

All of us in the Alabama delegation have been privileged to work with BUD CRAMER and TERRY EVERETT. While we'll no longer be congressional colleagues, we will always remain friends. Both of these leaders, I know, will continue to have much to share with their communities and our State of Alabama in the years ahead.

## PERSONAL EXPLANATION

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BRADY of Texas. Madam Speaker, I rise today in order to state for the record an explanation of my absence and how I would have voted on several of the bills that were considered by the House of Representatives while I was in Texas helping the relief and recovery effort after Hurricane Ike damaged my district and communities so hard.

As my colleagues and those in the gallery know, Hurricane Ike made landfall along the Upper Texas Coast early in the morning of Saturday, September 13. The effects of this storm stretched from Alabama to Texas, with the 11 counties that I represent landing right in the middle of the storm's path. The resulting damage was widespread and in some cases very significant. Many of the people that I represent are still without power and for many, especially in Orange County, life will never be the same. Their homes were completely flooded and many will never be livable again. It is a testament to the hardworking and self-reliant people of southeast Texas that they are already picking up the pieces and helping themselves and others in the recovery. I want to thank those first responders, the local governments, the State of Texas, and selfless individuals that have helped during the evacuation and recovery process.

We have worked tirelessly since Hurricane Rita to ensure that Texas' first responders were better prepared for the next time a hurricane hit the Texas coast. I have spent my time since September 13, meeting with individual citizens, FEMA, officials from Texas and local communities, utility providers and others to identify shortcomings, offer help and support, and ensure the best level of service is provided now and the next time a hurricane strikes Texas or we are affected by some other emergency situation.

While I was working in Texas after Ike made landfall, the House voted on several important pieces of legislation for which I would like to register my views.

First, H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act; despite the bill's name, H.R. 6899 would actually harm our nation's energy security, and accordingly, I would have voted against passage of the bill.

This bill opens a sliver of our offshore resources to development, while permanently closing off the rest. In fact, the Department of Interior's Mineral and Management Service calculated that this bill would ban most of our nation's outer continental shelf oil and gas natural resources from development. This bill is the equivalent of cracking open the gate, bolting the front door shut and then throwing away the key. It is the wrong energy policy for our country.

Moreover, in addition to this bait-and-switch approach to the offshore moratorium on energy exploration, the bill neglects to provide for revenue sharing among the states for offshore leasing. Without a revenue sharing incentive from the federal government, states are highly unlikely to allow the drilling that our country desperately needs. This is not the energy solution the American people want, and Congress should not replace the current temporary ban on offshore exploration with a permanent one.

House Democrats also offered another gimmick on energy policy instead of providing real relief at the pump to my constituents recovering from Hurricane Ike and all Americans. H.R. 6604 was billed as a way to cut speculation in energy markets, while in reality it did nothing but paper over Democrat's inaction on offering real solutions to America's energy problems. I voted against largely the same bill this summer and would have done so here as well. This bill was nothing more than window dressing and a thinly veiled attempt to placate the American public. In reality, it does little more than insult the intelligence of the American public; but the American public won't be fooled.

But Democrats are starting to buckle to pressure from the American public. In the House-passed stop-gap funding bill, the

House lifted the moratorium on off-shore oil exploration and oil shale production. If the moratorium is lifted in the Senate as well, America will be one step closer to energy relief.

Lastly, the House passed legislation last week to uphold the landmark Supreme Court's decision in DC v. Heller. DC v. Heller upheld the 2nd Amendment rights of residents of Washington, DC that had been trampled on for over 30 years. I would have proudly supported the Childers amendment to H.R. 6691 and supported the amended bill on final passage. As a matter of fact I am a co-sponsor of legislation very similar to the Childers Amendment, H.R. 1399, the District of Columbia Personal Protection Act. I am glad to see that the House has taken a bi-partisan step to protect the Constitutional right to keep and bear arms.

I look forward to working with my colleagues on both sides of the aisle to continue providing relief to those suffering from Hurricane Ike and I appreciate the speed with which this Congress has acted to help provide that relief thus far. However, just as we learned after Hurricane Rita, this process will be on going and it will take the continued effort of Congress, Texas, local communities and individual citizens to complete the recovery effort. I ask that all Americans continue to offer their thoughts and prayers to those along the gulf coast.

## 100TH ANNIVERSARY OF WAYLAND BAPTIST UNIVERSITY

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. NEUGEBAUER. Madam Speaker, I rise today in recognition of a fine educational institution in the 19th Congressional District of Texas. This year, Wayland Baptist University, located in Plainview, Texas celebrates its l00th anniversary of excellence in education.

Wayland Baptist University is a 4-year university with a total of 14 campuses and a student body of more than 6,000. Founded in Plainview in 1908 by Dr. James Wayland, the University has become one of the largest Southern Baptist institutions of higher education in the country.

Throughout its 100 years, Wayland Baptist University has seen much progress and growth. While maintaining its commitment to providing a quality Christian education, Wayland has been at the forefront of change. It was among the first universities in the country to admit women and minority students, offer distance learning programs, and to create programs directed toward military students.

Wayland places a strong emphasis on student success and provides an excellent learning environment. The school offers a wide variety of disciplines, from fine arts to engineering, as well as a wide variety of extracurricular activities. Athletics at Wayland provide a constant source of pride for the community, producing more than 800 All-Americans and 100 individual national championships in the last century.

Dynamic vision and devotion to students are the true marks of an exceptional educational institution. On this occasion of its 100th anniversary, I congratulate Wayland Baptist University and look forward to watching this institution thrive in the years to come.

## TRIBUTE TO ST. JOHN'S HEALTH SYSTEM

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BLUNT. Madam Speaker, today I rise to congratulate St. John's Health System in Springfield, MO, for their work to improve the quality of health care services provided to our seniors. St. John's Health System was recently recognized by the Centers for Medicare and Medicaid Services for their outstanding commitment to improving Medicare patient outcomes as participants in a new chronic disease management demonstration program.

Nearly 70 percent of all deaths in America are attributable to chronic diseases. Chronic diseases like heart disease, cancer, and diabetes are some of the most common diseases but they are also the most preventable diseases. Working to prevent these diseases from being acquired in the first place should be our top priority. Managing these diseases so that adverse outcomes are minimized should be next on the list.

Unfortunately, most of the health insurance programs that the Federal Government operates do not place the same prioritization in its payment policies. We don't encourage individuals to seek preventative care and we barely reward individuals who change their lifestyles when diagnosed. We pay in the end with the final bill, but the Federal Government doesn't pay for the course of treatment that will deliver better health outcomes and a longer, more productive life. Ultimately all Americans pay the price for the high costs of chronic diseases.

Over the past 2 years St. John's Health System has participated in a national demonstration program. The results of this project will help to identify new, innovative models to deliver higher quality health care. St. John's was one of only five physician groups that achieved benchmark quality performance for all measures used during the evaluation. I am pleased that St. John's is being recognized nationally for their excellent care for the citizens of southwest Missouri. I hope that, following St. John's leadership, the final results of the demonstration program will bring meaningful changes in delivery of health care services for all of our seniors.

## IN RECOGNITION OF THE VETERANS OF OSS GREEK OPERATIONS GROUP II ON THE OCCASION OF THEIR RECEIVING THE BRONZE STAR MEDAL FOR VALOR

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to the brave men of the Office of Strategic Services' Greek Operations Group II who fought to liberate occupied Greece during World War II. This month, these heroes are being awarded the Bronze Star Medal for Valor for their service in defense of freedom.

In February 1943 at the height of World War II, the Greek government in exile sought help from the United States for Andartes, the Greek Resistance against Nazi occupation. In response, the Office of Strategic Services (OSS, the forerunner of the CIA) formed top-secret Greek Operations Groups (OGs) from the 122nd Infantry Battalion. After undergoing rigorous training, almost 200 largely Greek-born or Hellenic-American soldiers launched their secret mission, undeterred by warnings that most would not likely survive the perilous fighting behind enemy lines. Chosen for their fluency or near-fluency in Greek, their physical fitness and ability to endure arduous service in rugged mountain terrain, and their intense motivation to oust the Nazi occupiers from the land of their ancestors, these teams were inserted behind enemy lines. From April to September 1944, the men of OG II fought alongside the Greek Resistance, delaying and harassing the Nazi withdrawal, eliminating enemy troops, and destroying their equipment in order to weaken the final defense of Germany against the Allies.

Operations Group II, led by Lt. John Giannaris, operating chiefly out of the tiny remote village of Pappas, conducted military operations primarily against the railroad in the mountains between Lamia and Domokos. During a four-month period the team participated in 14 missions during which they destroyed three locomotives and 31 railway cars, blew up 7,400 yards of rail line, and inflicted 675 casualties on the enemy. On September 8th, 1944, as the group approached a heavily patrolled area, it came under point-blank enemy machine gun fire.

OG II member Michalis Tsirmulas was hit. Under a withering assault, Lt. Giannaris ordered a withdrawal while himself crawling to aid Tsirmulas, only to learn he had been killed. After being severely wounded, Lt. Giannaris narrowly escaped capture, passing within earshot of German soldiers hunting him down. He was found by two local shepherdesses, who cared for him and contacted his men. In a daring daylight escape, Lt. Giannaris was spirited to safety in a British aircraft.

The story of the Greek-American OGs was highly classified for more than 40 years. The full account of these soldiers and their accomplishments was unknown even to the surviving participants. After fighting in Greece ended, most of them went on to other assignments in Europe and Asia. They returned home never knowing the enormous impact their mission had on events in Greece. Most never spoke of their experience with the O.S.S for many years, even to their families. Many years later, Giannaris, since promoted to Captain, recommended his men for an award. The Defense Department agreed and authorized the Bronze Star Medal for valor.

Recently, a search began for survivors and descendants of the deceased of OSS Greek OG II, undertaken by Dr. Robert Perdue, OG II historian and a retired agricultural research scientist. This month at a ceremony in Astoria, New York, the 22 enlisted men of OG II will be honored at a ceremony. One surviving enlisted member of OG II will attend as will families of six deceased members of the Group,

with all receiving the Bronze Star Medal from Captain Giannaris.

Madam Speaker, I ask that my colleagues join me in recognizing the extraordinary bravery and devotion to their country of the courageous men of OSS Greek Operations Goup II on the occasion of their receiving the Bronze Star Medal for Valor.

## TYRIK JOHNSON

### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of young Tyrik Johnson of Coldwater, Mississippi. At the tender age of four, Tyrik was taken from this earth in a tragic accident on September 26, 2008. Tyrik was a bright, fearless little boy and he will be missed by all who knew him in his short life. The loss of someone so young is a cruel tragedy and his community will be the lesser for his passing. Tyrik is survived by his loving mother, Adrienne Johnson, and his caring great-grandparents, Marshall and Jean Johnson, all of Coldwater, Mississippi. I ask my colleagues to join me in extending condolences to Tyrik's family and keeping all of his loved ones in our thoughts and prayers.

## REMARKS IN HONOR OF CAPTAIN ROBERT VALLEJO II, TEXAS NATIONAL GUARD

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of a brave and dedicated hero of the state of Texas and of our Nation.

Captain Robert Vallejo II was a soldier in the Texas National Guard and a true American hero. Robert gave his life in the service of his country on September 18, 2008, when the helicopter he was co-piloting went down near Tallil, Iraq.

Assigned to 2nd Battalion, 149th Aviation, 36th Combat Aviation Brigade as a pilot, Captain Vallejo did his part during a time of war, a fact that speaks volumes about his character and patriotism.

Robert graduated from Brewer High School in 1998 and graduated from Texas Christian University as part of the Reserve Officer Training Corps in 2005. After graduation from college, he attended flight school at Fort Rucker, Alabama. Becoming a pilot fulfilled his longtime dream of flying. Becoming a military pilot fulfilled his desire to, as his mother put it, ''be a part of history and leave his mark.''

He served as a soldier for nine years and was on his first overseas tour when he died.

Shortly after Robert's death, his family learned that the baby his wife is expecting in January would be a boy. Captain Vallejo's son will be named Robert Cale Vallejo III and will learn of his father through his family and friends, who described Robert as a kind, outgoing, and intelligent man with a wonderful sense of humor.

Our thoughts and prayers are with Captain Vallejo's wife, sisters, parents, and all of his family and friends. His community and nation honor his memory and we are grateful for his faithful and distinguished service to America.

Captain Vallejo will not be forgotten. His memory lives on through his family and the legacy of selfless service that he so bravely imprinted on our hearts.

## TRIBUTE TO HORTENSIA ''GUERA'' ABRIL

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BACA. Madam Speaker, I stand here today to honor a loving mother, supportive wife, adoring grandmother and doting great-grandmother, Hortensia ''Guera'' Abril.

Born in Nuevo Leon, Monterey, Mexico, she eventually moved to Colton, California where she grew up to become a longstanding, influential member of the community. A fulfilled homemaker thanks to her care, compassion and love for her family, Guera also proudly belonged to Colton's San Salvador Catholic Church. In addition to supporting her husband, Ray ''Sonny'' Abril, who served on the Colton School Board for many years, she too played an active role in the community as a longtime PTA member, well-respected and loved by all.

In addition to being survived by her husband Sonny of 53 years, her memory will be carried on by her three sons, Nick, Michael (Stella) and Dominic; her three daughters, Melinda Medina (Mike), Becky Gonzales (Reuben) and Nellie Carners (Joe); and one brother, Norberto Gasca. Guera will be sorely missed by 19 grandchildren, 16 great-grandchildren and many nieces, nephews and friends as well.

As a longtime friend of Ray's, I would like to express my greatest sympathies for his family's loss. She meant everything in the world to him and will truly be missed. Let us take a moment to remember this great woman and her admirable dedication to instilling positive change and leading an exemplarily life, one whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

God Bless Hortensia ''Guera'' Abril for love of country and mankind.

## THE 2008 ANGELS IN ADOPTION

### HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. BOYDA of Kansas. Madam Speaker, This year, I have the great pleasure of seeing one of the finest constituents of Second District of Kansas honored as an Angel in Adoption. This award was given by the Congressional Coalition on Adoption, of which I am proud to be a member. The story of the Second District's Angel in Adoption, Michelle Reed, is a story of hard work, commitment, and humility. It is a story that I am proud to share today.

In addition to adopting two children from Kazakhstan, Michelle has become an advocate for international adoption by facilitating support groups and by serving on the board of Two Hearts for Hope. Michelle is truly an Angel in Adoption.

Michelle's story begins in 2004 when a cousin and a friend announced that they were adopting children from Korea and China. To support her loved ones, she began looking into the process. As Michelle says, ''My husband and I had not discussed adopting. We had two children. My son, Jonas, was just starting high school in the fall and our daughter, Libby, was in middle school. The pictures of the children available for adoption were endless on the Internet. I began to think that we could give a home—a family—to one of these children.''

In March of 2004, the Reeds signed an agency contract to adopt their son Jess, who was 3 at the time, from Kazakhstan. They traveled to Kazakhstan in November 2004 and lived there for 6½ weeks. In May 2005, they signed a contract to return for a little girl that they met on their first trip who was also 3 years old. They left in October, 2005 and returned home in December with a new daughter, Jsera.

When Michelle returned from her adoption journey in Kazakhstan, she started working to help other families. ''After our first adoption, we both became passionate about helping those that were thinking of adoption.'' She is now the moderator of three Internet groups that provide support for families that are in the process of adopting internationally or integration assistance for those that have already adopted. They try to facilitate heritage knowledge, for example, by teaching parents to cook their child's native foods. Michelle and her family also hosted an exchange student from Kazakhstan this year who taught them so much about their children's heritage.

Michelle is also a board member of the newly formed organization, Two Hearts for Hope, which raises donations to send supplies to orphanages in Kazakhstan. Most of the supplies she works so hard to find are those that many of us take for granted, like shoes and warm clothing. ''The facilities aren't perfect—there are broken windows and sometimes there's no heat. Because it's just south of Siberia, the need for warm clothing is magnified.''

When speaking about her visits to Kazakhstan she said, ''Once you leave those other children behind, you are not allowed to forget them.'' The love, warmth, faith and passion for helping others that Michelle posses shines through when you meet her. I am pleased to say that once you meet Michelle, you are not allowed to forget her or the joy she has brought to others.

## PERSONAL EXPLANATION

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. POMEROY. Madam Speaker, on September 29, 2008, I missed rollcall vote No. 673. Had I been present, I would have voted in the following manner:

Rollcall No. 673 ''nay.''

## A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for your leadership in bringing this very important bill to the floor. I support this bill and urge my colleagues to do the same. This bill is good and it is necessary.

The bill is sponsored by Mr. KLEIN and has bi-partisan support. It has 21 cosponsors, including the following Judiciary members: Chairman CONYERS, Chairman SCOTT, Mr. CHABOT, Mr. NADLER, Mr. WEXLER, Mr. COHEN, Mr. JOHNSON, Ms. SUTTON, and Ms. WASSERMAN SCHULTZ.

A child goes missing every 40 seconds. The successful recovery of missing children often requires a quick response. In 1997, Sherry Friedlander, the founder of A Child is Missing (ACIM), saw the need for a rapid-response program to persons who go missing, especially in situations that do not involve abductions. In response to this need, she established ACIM, a national non-profit organization that offers free assistance to law enforcement 365 days of the year, 24 hours per day. The program is not limited to children, but extends to elderly persons (suffering from senility or Alzheimer's), mentally challenged or disabled individuals and college students.

When law enforcement receives a call regarding a missing person, the first-responder can immediately call ACIM for help. The officer provides critical information to ACIM, such as the person's age and description and the last time/place seen. ACIM uses that information to record a message that, within minutes, is sent via phone to 1000s of locations within a radius of the last sighting of the person. Through their computer mapping system, ACIM also can identify ''hot spots,'' such as water or wooded areas.

ACIM complements the Amber Alert program by providing different services. While Amber Alert focuses on children who are abducted, ACIM covers all ''persons'' who go missing, including situations where criminal intent may not be at issue. Amber Alert uses television and highway signs to broadcast information about the abducted child and the related vehicle, while ACIM uses a rapid response telephone alert system and covers cases where there is no vehicle involved. The ACIM notification system often can respond more quickly than the Amber Alert program.

ACIM would use the requested money to operate and expand the existing ACIM office in Florida, to develop Regional Centers for on-site training and communication with local law enforcement, to maintain and expand their computer and phone technologies, and to assist the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, and appropriate law enforcement agencies with training.

H.R. 5464 authorizes $5 million annual grants for 2009 through 2014 to A Child is Missing Alert and Recovery Center (ACIM) to assist law enforcement in the rapid recovery of missing children and other individuals.

I support this bill and I urge my colleagues to support it also.

## HONORING THE ACCOMPLISHMENTS OF AMERICAN LEGION POST 88 AUXILIARY

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. COOPER. Madam Speaker, I rise today to honor the accomplishments of my hometown American Legion Post 88 Auxiliary.

First, the Post Auxiliary has been a great help to my constituents and me monitoring legislation that benefits veterans and their families.

But Unit 88 also works directly to support our troops overseas. The Post Auxiliary had several mailings of care packages each worth more than $1,500 to servicemen and woman to let them know how proud all of Nashville is of them for giving their time, efforts and sometimes their lives to support our freedom. Besides the care packages, they sent over 900 pocket flags for our service people to carry with them. And the troops appreciate it. Besides many e-mails and thank you letters, the 732nd Expeditionary Civil Engineer Squadron sent a proclamation and flag thanking the Post for their efforts.

The Post Auxiliary works diligently to care for our veterans after they return from overseas as well. They visit veterans in the Veteran's Hospital in Nashville and in Murfreesboro, TN each month to give them goodie bags and visit with them. And they held a Christmas party at each facility to let the veterans know how much our country cares for and supports them. They participated in ''Operation Stand Down,'' a 3-day event to assist homeless veterans, by serving meals and donating clothing.

Funds were raised to send veterans' children backpacks for school and we gave needy veterans' children gifts and food at Christmas.

As I'm sure everyone is familiar with, the American Legion sells poppies every May in time to honor our veterans on Memorial Day. This year, the Post 88 Auxiliary raised over $1,300 and then hosted a fashion show to raise an additional $2,000.

Finally, beyond the work supporting our troops and veterans, the Post Auxiliary also serves our local community. The Post 88 Auxiliary raised funds to send 16 girls to Girls State where they learn about government and legislative processes. In December, they held a party for handicapped children complete with live music by the Timeline Band who was generous enough to donate their time. In February, the Post Auxiliary held an essay contest that had over 200 submissions on the theme ''America: Home of the Brave, the Land I Love.''

And as in every year since 9/11, the Post Auxiliary held a September 11 Memorial Ceremony to remember all those who lost their lives in that terrorist attack.

I'm proud to represent Post 88 Auxiliary. They are the best of Tennessee as well as the country.

## TRIBUTE TO HAROLD MEEK

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Harold Meek, a community leader and entrepreneur from Bakersfield, CA, on his retirement after over 35 years with the Three-Way Automotive Group.

Born in Oklahoma, Harold moved to Bakersfield in 1958 to work with his brother, Leo, in the automotive industry. After 17 years with his brother's dealership, Harold joined Three-Way Chevrolet, later the Three-Way Automotive Group, in 1973. With his business prowess and entrepreneurial skill, he become General Manager just 2 years later, was made a partner shortly thereafter, and, in 1996, was appointed president/dealer operator.

Under Harold's leadership, the Three-Way Automotive Group, which recently celebrated its 50th anniversary by opening a second Chevrolet dealership at the Bakersfield Auto Mall, has been internationally recognized and awarded numerous industry awards for outstanding service. For the past 7 years, Three-Way Chevrolet has been the number one Retail Volume Chevrolet Dealer in California and was the number one Retail Chevrolet Dealer in the world in June and July of 2005. In addition, Harold has received the prestigious Time Magazine 2003 Quality Dealer Award and, for the last 8 years, the General Motors' Jack Smith Dealer of the Year Award, all a recognition of his commitment to exceptional sales performance and superior customer service. Over his long career, he has also served on or chaired numerous State and regional automotive industry dealership associations.

A successful entrepreneur in Bakersfield, Harold has also been active in the local community. Harold has served on the Greater Bakersfield Chamber of Commerce, the Hispanic Chamber of Commerce, the Kern County Law Enforcement Foundation, and is a charter member of the Bakersfield Better Business Bureau. He also is a strong advocate for and has supported numerous civic and charitable organizations. Harold has supported and been involved in more than 250 civic and charitable organizations in the community, including numerous youth and sports programs as well as the American Cancer Society, the Bakersfield Women's Business Conference, the Kern County Fair, Relay for Life, Link to Life, the YMCA, and the Make-A-Wish Foundation.

A dedicated Republican, Harold has been active in local, State, and national Republican politics. He has served on the steering committees of numerous gubernatorial and presidential campaigns in California, and has managed several local campaigns, including city council, county supervisor, and sheriff's races. Harold also served as campaign chairman for former California State Assembly member from 1988 to 2000.

Harold exemplifies the entrepreneurial spirit and a dedication to community that has made this country great. I wish Harold the best in this new chapter of his life, and I know he looks forward to spending more time with his wife Kay; children Joi, Mark, and Vivienne; and grandchildren Clint, Cody, Jordan, and Julia.

## IN HONOR OF GRAYCE BOGDEN NOTEBOOM ARNOLD

### HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. GIFFORDS. Madam Speaker, I am honored today to acknowledge the inspiring life of Grayce Bogden Noteboom Arnold, a woman who made great contributions to cultural development in my district and to the community of Patagonia, Arizona.

Grayce Bogden Noteboom Arnold arrived in Patagonia in 1976. Her route to Arizona from Philadelphia, Pennsylvania, took her first to Guadalajara, Mexico, where her husband, John Patton Arnold, had been commissioned by Popular Mechanics and the American Automobile Association to publish the first motor tourist guide of Mexico in the mid-1950s. Mexican President Luis Echevarria later recognized this guide as opening ''the gateway'' to motorized travel in Mexico.

Grayce and John also built one of the first prototype house cars (recreational vehicles) by converting a 1949 Ford panel truck, nicknamed ''La Tortuga''. When they returned to the United States from Guadalajara, Grayce, John and their two children, John David and Elaine, settled in Nogales, Arizona. Subsequently, they moved to Tucson where Janie was born and John Senior passed away in 1972. During all this time Grayce had been developing her artistic talent. She took sand cast candle lessons from famed Tucson artist Ted DeGrazia.

In 1976, Grayce moved into the Miner's Old Home in Patagonia, which had been built in 1905 as the residence for the chief mine engineer Mr. McDonald. The house was in very poor condition and was extensively remodeled to provide living quarters and ultimately became home to Grayce's Gift and Candle Shop and Museum. Grayce's reputation as an artist and entrepreneur flourished. Her contributions include designing Patagonia's first 3 postcards and her civic involvement to promote Patagonia as a tourist destination. Over the years, her notable business contacts included film stars Faye Dunaway and Joanna Cassidy.

Visitors to Grayce's shop see immediately that it is more than a place of business. It is part museum, art gallery, and gift and candle shop. They also receive a personalized guided tour and explanation of the artistic renderings. The guest book contains entries from thousands of people from all walks of life from around the world who have left their names and cheerful comments about their visit. Grayce's artistic collection includes her award-winning sand cast candle dioramas. The Tree Spirit, Cocoon, Desert Storm and other creative masks are the centerpiece of her artistic creations. Two of the masks have been featured on postcards which she designed. One of Grayce's greatest sculptures is her rendition of a Tarahumara man in traditional dress squatting in contemplation. At Grayce's you will find unique southwestern arts, crafts from indigenous Mexican cultures including the Tarahumara, Yaqui, and Seri Indians.

People who knew Grayce are inspired that a person of her age was so full of life, physically active and ran her own business until age 97. Grayce would be the first to tell you that age is irrelevant as she did belly dancing, remarried and launched her artistic career in her 60s. She always told her children to never stop dreaming, to be creative and to help others.

Grayce has been an inspiration to all of us. She stands as a wonderful example of the significant contributions that women in the west make to the cultural and economic development of our communities.

## HONORING SSGT LLOYD LEE ELLIOTT, USAF 8TH AIR FORCE—34TH BOMB GROUP

### HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. FALLIN. Madam Speaker, I rise today to commend SSgt Lloyd Lee Elliott, USAF of Oklahoma City, Oklahoma, for his service to the United States of America.

SSgt Lloyd Lee Elliott, USAF, distinguished himself in service to our country from August 13th, 1943, to October 15th, 1945. SSgt Lloyd Lee Elliott served as a tail-gunner on a B–17 Bomber completing 33 missions over Germany.

There are many paths which are set before us in life, many times paths which are not desirable to pursue. Answering the call of his country, this young man followed the path before him not knowing if it would lead him safely back home. Believing in the freedom of the United States and in defending our rights, Staff Sergeant Elliott distinguished himself in service to our country.

Each person who has served our country has many experiences which can be shared. We share today with Staff Sergeant Elliott our thanks and our gratitude for his service. He is one of many who have sacrificed; answering the call to make the United States of America what it is today.

Once again, I want to commend SSgt Lloyd Lee Elliott, USAF.

## POLISH AMERICAN HERITAGE MONTH

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. EMANUEL. Madam Speaker, this month I proudly join the thousands of Polish Americans living in Chicago in a celebration of Polish history, culture, and pride during Polish American Heritage Month.

This year, Polish Americans celebrate the 400th anniversary of the arrival of the first Poles to America's first settlement in Jamestown, Virginia. The first five Polish settlers traveled to Jamestown aboard the English ship, the Mary and Margaret, at the invitation of Captain John Smith and the London Company. They arrived on October 1, 1608 and distinguished themselves as America's first tradesmen. Poles, alongside other ethnic groups, were among the pioneers who helped to establish this country as the land of hope and opportunity. Their work ethic helped create the foundations of modern America.

The celebration of this milestone coincides with another important historical landmark: the 90th anniversary of the reinstatement of Polish independence. In 1918, after 123 years of occupation and generations of struggle by the Polish people, Poland reappeared on the map of Europe after World War I.

The United States is grateful to Poland for its friendship and commitment to the democratic ideals of liberty and human rights. Poland is a strong ally of the United States, and I am dedicated to continuing the strong record of cultural and economic ties between our two nations.

My hometown of Chicago has a thriving and active Polish American community. Madam Speaker, I am honored to join the citizens of my district, as well as those of Polish descent around the country in recognizing, remembering, and celebrating Polish American Heritage Month.

## CONGRATULATING PREVENT BLINDNESS WISCONSIN

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. KIND. Madam Speaker, I rise today to congratulate Prevent Blindness Wisconsin and to celebrate its 50th anniversary of service. Prevent Blindness is a non-profit, volunteer organization that has provided free vision screenings for over five million Wisconsin children and adults since 1958.

This year alone, Prevent Blindness Wisconsin recruited, trained, and certified nearly 2,000 volunteers who helped screen more than 220,000 children and 3,000 adults statewide. Through their hard work, they were able to help diagnose hundreds of children who suffered from significant vision abnormalities, which, left untreated, could have resulted in permanent vision loss.

Prevent Blindness has a wonderful history of helping children from families in need, at-risk adults, and the community to help screen, treat, and prevent vision problems from worsening. Their volunteers join together with local eye-care professionals to ensure that these children can get the treatment they need to protect their vision.

On behalf of all who have benefited from its efforts, I would like to thank Prevent Blindness Wisconsin for all of its work for children, adults, and families in Wisconsin. I congratulate Prevent Blindness Wisconsin on 50 years of service and wish everyone who makes their work possible a joyous anniversary celebration.

## HONORING JEFF MILLER, FOUNDER OF HONOR AIR

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. SHULER. Madam Speaker, I rise today to honor Jeff Miller, a small business owner and son of a World War II veteran from Hendersonville, North Carolina. Mr. Miller is one of the founders of Honor Air, which enables hundreds of World War II veterans the chance to travel to Washington, DC to see the National

World War II Memorial that was built to honor the 16 million Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, and Merchant Mariners who served our Nation during World War II.

With the strong belief that everything good in his life is because of these courageous veterans, Mr. Miller began a campaign to send every World War II veteran from Henderson County to Washington, DC to see the memorial, which opened in 2004. World War II veterans who had not already been to the memorial and had physical or financial limitations were offered the chance to take the trip. The community came together to raise the money to fund the project. Many community groups, businesses and individuals contributed to this project, allowing these brave veterans to travel to Washington to see the memorial that was built in their honor. Mr. Miller, the Honor Air volunteers and contributors have all given something back to those for whom the debt can never be repaid. By the time it makes its last flight, 625 veterans from Hendersonville, NC will have made the Honor Air trip.

Madam Speaker, I ask my colleagues to join me today in expressing my appreciation and admiration for Jeff Miller, who made it possible for so many of our veterans to have the opportunity to see the National World War II Memorial.

## EMPLOYEE BENEFIT RESEARCH INSTITUTE 30TH ANNIVERSARY—TRIBUTE

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. GEORGE MILLER of California. Madam Speaker, among the key areas of jurisdiction for the Education and Labor Committee are employee benefits—specifically, retirement and health benefits—that are so important to the economic security of American workers. Over the years, Congress has passed various laws designed to protect and strengthen the health and pension benefit programs that millions of American workers and retirees depend on.

Congress needs timely and objective data in order to determine and ensure that these critical programs are delivering needed benefits. When Government data is not available, one of the most valuable resources we have to help us understand what is happening in these areas is the nonpartisan and nonprofit Employee Benefit Research Institute, EBRI, which marks its 30th anniversary this year.

EBRI is a rare organization in Washington: It does not take policy positions and it does not lobby—its mission is to provide objective, accurate, reliable research. One of the reasons its work gets attention and is respected is because EBRI does not have an ideological agenda and it does not try to ''spin'' the numbers. Because EBRI is a non-advocacy organization, legislators on both sides of the aisle can use its work with confidence.

EBRI also has important educational initiatives, in particular its ''Chose to Save'' program, which has produced and distributed award-winning public service announcements designed to help Americans wake up to the need for saving. This campaign also provides valuable tools so workers can quickly and easily determine a ''Ballpark Estimate'' of how much they need to save, and gives them pointers on how to start saving and where to go for help.

EBRI was created partly as a result of the enactment in 1974 of ERISA, the major Federal law governing health and retirement benefits, because employers needed objective, reliable information about benefit trends. Much has changed since then, both in the benefits that American workers receive, and in the Federal laws that govern those benefits. EBRI's work has helped lawmakers, plan sponsors, workers, and the news media understand current trends and how proposed legislative changes are likely to affect the benefits system.

EBRI has been guided by Dallas Salisbury, its president and chief executive officer. Mr. Salisbury has been an important analyst and contributor to national public policy decision making on employee benefits. His thoughtful and often prescient analyses have aided lawmakers throughout the years.

EBRI's research provides information that is critical to the decisions made by public policymakers. As EBRI celebrates its 30th anniversary, I want to thank them for decades of quality work. We look forward to their continued research and analysis in the future.

## HONORING THE LIFE AND SERVICE OF U.S. NAVY PETTY OFFICER MATTHEW J. O'BRYANT

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BONNER. Madam Speaker, I rise today with a heavy heart to remember the life and courageous service of United States Navy Petty Officer Third Class Matthew J. O'Byrant.

Petty Officer O'Byrant was killed in a terrorist attack at the Marriott Hotel in Islamabad, Pakistan, a cowardly act that claimed the lives of 53 people including two members of our country's armed forces. Matthew was serving in support of Operation Enduring Freedom from Islamabad.

A native of Theodore, AL, Matthew O'Bryant excelled in the ROTC program at Theodore High School and was assigned to Navy Information Operations Command at Fort Meade, MD, as a cryptologic technician.

As a cryptologic technician, Petty Officer O'Bryant was in charge of maintaining the advanced communications and technological equipment so vital to America's success in 21st century warfare.

Petty Officer O'Bryant's brother, along with two of his cousins, had enlisted to serve in the Navy. Coming from a Navy family, Petty Officer O'Bryant was deployed to Pakistan for only 30 days before the blast that took his life. At his funeral, Matthew's brother, Lawrence, remembered him by saying, ''There were four of us in the Navy. Well, there's three of us now. I guess there will always be four of us because he will always be in the Navy.''

Madam Speaker, I urge my colleagues to take a moment to reflect upon the many things that have helped to make this the greatest country on the face of the planet. And to that end, we must acknowledge that soldiers, sailors, airmen, and marines like Petty Officer O'Bryant deserve the highest praise for their unselfish service and, in this particular case, for their willingness to make the ultimate sacrifice.

Madam Speaker, I hope you and my colleagues will join me in paying tribute to Petty Officer Matthew O'Bryant. We should also remember his wife, Bridgett O'Bryant; his parents, Barbara and Tommy O'Bryant; his two sisters, Janet O'Bryant and Nancy O'Bryant; his brother, Lawrence O'Bryant; and his other relatives and many friends.

Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

May Matthew rest in peace. He was without question a true American hero.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. BLUNT. Mr. Speaker, TERRY came to the U.S. House of Representatives a successful businessman and is now heading back to Alabama as a successful congressman. No one doubts that TERRY knows the values of a hard day's work. He's been a farmer, an Air Force specialist, a small business owner and newsman. He served the people of Alabama's second district, stretching from Autauga down to Dothan, for the last 16 years with that same work ethic, and they have benefited from his service.

TERRY came to Congress as an intelligence expert from his days in the Air Force and an agriculture expert from his days on the farm—skills he put to good use sitting on the Agriculture, Armed Services and Select Intelligence committees.

I'm going to miss TERRY when Congress reconvenes next year. The whole House will miss his work ethic, keen insight and ability to get things done. His retirement is a blow to those in Washington that know and rely on him, but if anyone deserves our thanks for a job well done it is certainly my friend and longtime colleague TERRY EVERETT.

## AUTHORIZE FUNDING FOR THE NATIONAL CRIME VICTIM LAW INSTITUTE FOR VICTIMS UNDER CRIME VICTIMS LEGAL ASSISTANCE PROGRAMS AS PART OF THE VICTIMS OF CRIME ACT OF 1984

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today 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 a part of the Victims of

Crime Act of 1984,'' introduced by Senator KYL.

NATIONAL CRIME VICTIM LAW INSTITUTE (NCVLI)

Doug Beloof is professor of law at Lewis & Clark Law School. He founded the National Crime Victim Law Institute, NCVLI, in 1998, with the understanding that so many victims of crimes are in the dark about not only their cases, but their rights.

The institute promotes balance and fairness in the justice system through crime-victim-centered legal advocacy, education, and resource sharing.

NCVLI provides legal technical assistance to attorneys and advocates of victims and educates lawyers, judges, law students, victims' advocates, the law enforcement community, and the public about victims' rights. NCVLI also administers Federal grants to 8 clinics across the Nation that offer pro bono legal help for victims of sexual assault, homicide, domestic violence, fraud, and more.

Over the past 4 years alone, NCVLI's clinics have represented more than 735 victims, made nearly 1,000 court appearances, and filed over 500 documents on behalf of victims. Over the same time period, NCVLI's headquarters office has responded to nearly 2,000 requests for legal technical assistance and trained over 12,000 people in victims' rights.

Sadly, more than 17 States have no victims' rights amendment to their constitutions. Even in Texas, one of the 33 States that have made rights for crime victims constitutional, victims and criminal justice professionals often do not know the rights exist, let alone whether those rights are routinely asserted and enforced in criminal courts.

Rights that are enforceable afford victims critical information such as timely notification of upcoming hearings and proceedings involving their case, and also provide victims participatory status, including the right to be present in the courtroom to watch the proceedings, the right to confer with the prosecutor, the right to protection from the accused and those acting on behalf of the accused, the right to be heard at sentencing following the conviction of their offender, and the right to restitution.

JUVENILE VICTIMS

Even more disturbing, is the growing number of victims who are children. Between 1980 and 2002, an estimated 46,600 juveniles were murdered in the United States—1,600 in 2002. Homicides of juveniles peaked in 1993 at 2,900.

The number of juvenile homicide victims in 2002 was 44 percent below the 1993 peak, reaching its lowest level since 1984. Juveniles represented about 10 percent of all murder victims in 2002.

In 2002, 36 percent of murdered juveniles were female, 45 percent were Black, and 48 percent were killed with a firearm. Of the juvenile murder victims with known offenders in 2002, 38 percent were killed by family members, 47 percent by acquaintances, and 15 percent by strangers.

In 2002, the National Center for Injury Prevention and Control within the Centers for Disease Control, listed homicide as the fourth leading cause of death for children ages 1 through 11 and third for youth ages 12 to 17. Between 1980 through 2002, juvenile offenders participated in 1 of every 4 homicides of juveniles in which the offenders were known to law enforcement.

According to the FBI's Uniform Crime Reports tracking all murder victims, in 2006 about 50 percent of murder victims were Black, 47 percent were White, and 3 percent were Asians, Pacific Islander, and Native Americans.

CONCLUSION

There is an Angolan Proverb that says: ''The one who throws the stone forgets; the one who is hit remembers forever.'' The National Crime Victim Law Institute ensures that the ones who are hit, the ones who are raped, the ones who are murdered—are never forgotten. They and their loved ones are aided in this overly complicated criminal justice system where often the rights of the victim get lost.

This legislation allows us to finally spend time on those who need our help the most—the victims. I urge, my colleagues to support S. 3641 and ensure that the victims are not forgotten.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. BOEHNER. Mr. Speaker, I rise today to honor the service of Congressman TERRY EVERETT, who has proudly represented ''Alabama's Second Congressional District for eight terms. His work on the Armed Services Committee, where he is the Ranking Republican of the Subcommittee on Strategic Forces, has been integral to our national security. Over the last 5 years, Mr. EVERETT has had oversight responsibility for $150 billion in defense funds for our country's missile defense, military space and our critical nuclear energy programs. He has led efforts to make Congress and the American people aware of our reliance on space for both military and civilian satellites for our national defense, communications and even financial transactions. He has been on the front lines of warning us about our vulnerabilities and the need for constant improvement in our ability to defend and protect ourselves.

Congressman EVERETT has been a tremendous friend to our Nation's veterans, who selflessly served to protect our freedoms. Among the honor afforded our veterans is the choice to be buried in the hallowed ground of Arlington National Cemetery. In 1997, Mr. EVERETT was given the prestigious ''Excellence in Programmatic Oversight'' by House Republicans for investigating Arlington National Cemetery burial waivers that were being given to people who had not served in our military.

Mr. EVERETT has been a watchdog on behalf of those who have served our Nation, holding the Veterans' Administration accountable for timely and quality delivery of benefits and health care for our veterans', including investigating concerns about the care quality and administrative problems within the Central Alabama Veterans Health Care System with hospitals in Montgomery and Tuskegee, AL. Thanks to his efforts, those hospitals implemented much-needed health care and safety improvements.

Congressman EVERETT has also been a friend to American farmers, having served on the Committee on Agriculture and fought for the interests of American agriculture, which has a $1 billion impact on the region he represents.

Congressman EVERETT served as an intelligence specialist in Europe with the Air Force, which served him well later in life when he was appointed to the House Permanent Select Committee on Intelligence. He also worked as a newspaper reporter, writing at first about agriculture and public safety. He spent three decades in journalism, moving from reporter to editor to publisher to the top of the top of the ladder as owner of a chain of newspapers in the Southeast.

I thank Congressman EVERETT not just for his service to the people of Alabama's Second Congressional District, but for his commitment to ensuring the safety and protection of our Nation. He has been a forceful voice for reform to improve the care for our veterans and has worked hard for our farmers.

Mr. EVERETT's retirement is a great loss for this House. I wish him the very best of luck as he begins the next chapter in what has been a lifetime of service to his community and his country.

## TRIBUTE TO EMILY NOTTINGHAM

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. GRIJALVA. Madam Speaker, I rise today to recognize the work Emily Nottingham has done for the Tucson community.

Emily is retiring from the city of Tucson Community Services Department after 34 years of service to the community both on a local and national level.

I have been honored to work with Emily on many significant projects over the years.

Emily is one of this country's strongest advocates on behalf of affordable housing. Her steadfast determination to ensure that low income citizens have access to safe, decent and affordable housing has been a hallmark of her career.

Emily has been responsible for the implementation of a broad spectrum of housing assistance: from home ownership opportunities, to housing rehabilitation, rental housing assistance, and the development of mixed-income housing throughout the city of Tucson. During her tenure, the Section 8 program grew from helping fewer than 1,000 households to assisting nearly 5,000 households.

I am impressed with Emily's many accomplishments. Her tenacity, her dedication, and her vision have served Tucson well. The community will miss her energy and her common sense approach to the task at hand.

I wish Emily the very best in her retirement.

## In Recognition of the Eglin-Hurlburt Site of the MITRE Corporation upon 50 Years of Service to the United States of America

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the MITRE Corporation on the occasion of its 50th anniversary and upon completion of the modernization of their Eglin-Hurlburt Site. It is my pleasure and privilege to honor MITRE for its dedicated service to the Northwest Florida community and to the United States of America.

The MITRE Corporation was founded in 1958 on the premise that the government needed a corporate partner to provide technical expertise in systems engineering and integration. MITRE was born out of the Lincoln Laboratory at the Massachusetts Institute of Technology. Its founding principle was to produce quality expertise for the government by drawing on the best in both the commercial and public sectors to solve the Nation's most difficult technical problems. Its first project was to provide systems engineering for the Semi-Automatic Ground Environment (SAGE) program, and MITRE chose Eglin Air Force Base as its first site.

Over the years, the Eglin-Hurlburt Site has been a vital part of the development and testing of countless critical sensor systems, data link systems, and command and control systems. From its development of telemetry methods in the 1960's to its recent work on the integration and development testing of Joint Tactical Information Distribution Systems (JTIDS), MITRE has spent the last 50 years providing essential services to the defense community of the United States.

Today, the MITRE Eglin-Hurlburt Site consists of 18 engineers, scientists, researchers, analysts, and support staff providing a wide range of development and engineering expertise to the United States Air Force Special Operations Command, Air Armament Center, and 505th Command and Control Wing. MITRE has earned an international reputation for technical excellence and innovation. Their local employees devote themselves to serving the public interest as well as contributing incalculable hours of community service throughout the Florida Panhandle.

Madam Speaker, on behalf of the United States Congress, I am proud to honor one of America's true corporate leaders, the MITRE Corporation and its Eglin-Hurlburt Site, for their 50 years of service to the defense community of Northwest Florida and across the United States. I wish everyone at MITRE the best for continued success.

## HONORING DAVE WELDON

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to pay tribute to my good friend and colleague, Congressman DAVE WELDON, who is retiring from the House of Representatives after serving the people of the 15th district of Florida for 14 years. He has always served his constituents with dignity, class, and integrity.

He has been a great example of a true citizen legislator. He put aside successful careers in our Nation's Armed Forces and in private practice as a physician to devote many years of his life to public service.

DAVE has been a leading national supporter of NASA and other space issues. He has been a strong leader in Florida advocating the need to invest in NASA and the many benefits it provides our Nation. From his service on the Science and Appropriations Committees, he has kept a close eye on the space program and ensured Florida's Space Coast plays an integral role in national space policy.

It has been an honor serving with him, and it is a privilege to call him a good friend. I wish DAVE and his wonderful wife Nancy much happiness in the next chapter of their lives.

## HONORING DR. DAVE WELDON FOR HIS MANY YEARS OF OUTSTANDING CONGRESSIONAL SERVICE

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to speak about one of my colleagues from the great State of Florida who is retiring this year. Dr. DAVE WELDON from Indialantic has served in this body for many years with honor and distinction and will be sorely missed by his friends and colleagues.

Following his arrival in Congress in 1995, Dr. WELDON quickly made a name for himself as someone who cared deeply for his constituents. As someone who had built his career prior to Congress as a physician, Dr. WELDON was perfectly suited to a second career as a public servant.

His legislative efforts in the House have brought tens of millions of federal funds back to Florida, restoring our infrastructure, building roads and bridges, preserving precious wetlands, and helping his friends and neighbors live a better life.

Perhaps his signature achievement in Congress has been his continued fight for the unborn. Using his position as a senior member of the House Appropriations Committee, Dr. WELDON continually sought to protect those who do not have a voice.

Madam Speaker, it is with a heavy heart that I help send my good friend Dr. WELDON off into the next stage of his career. After so many years of making sacrifices in his family life and professional career, now is the time when he can devote his time and energy to his wife Nancy and his two children. I wish him the best of luck and hope that he will continue to give back to his local community and the State of Florida.

## HONORING BALDWIN HIGH SCHOOL BOYS VARSITY X-COUNTRY

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. STARK. Madam Speaker, I rise today to congratulate Pittsburgh, Pennsylvania's Baldwin High School Boys Varsity Cross-Country team for their first place finish in the McDonald's Cross Country Festival at Maymont, Virginia. The team finished 25 seconds ahead of the second place team in the silver division. With their decisive victory the boys of Baldwin are now recognized among to top cross-country teams in Pennsylvania this year.

The McDonald's Cross Country Festival at Maymont draws over 3,000 of the best high school athletes from 15 different States. The Baldwin team put in long, hard hours of training to place among the elite teams in the State. I would like to recognize the dedication of T.J. Hobart, Matt Cecala, Dennis Logan, Michael Cain, Paul Degregorio, George Crompton and my grandson, David Wainwright. I congratulate their fine performance in Maymont.

I recently spoke with Baldwin's cross-country coach Wright and he highlighted the special comradery and commitment of everyone on the team. The Baldwin team has attended the meet for the last 3 years; however, the dedicated young men I have mentioned are the first to emerge victorious. The coach spoke of his pride with the boys' accomplishment and I share his pride today.

It is my honor to recognize the victory of the Balwin Boys Varsity Cross-Country team, especially my grandson David. I commend their hard work and commitment to teamwork as they head into "championship month" in Pennsylvania. I wish the boys the best of luck in the Western Pennsylvania Interscholastic Athletic League State Championship in Hershey later this month.

## IN RECOGNITION OF THE CORPORAL KODY WILSON

### HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to recognize CPL Kody Wilson of Erie, Kansas. Corporal Wilson was serving in our armed forces in our efforts abroad and was injured. Upon his injuries he was taken to Walter Reed Army Medical Center.

While at Walter Reed, Corporal Wilson was an inspiration to others. One individual was truly moved by his story and wrote a poem to honor this soldier. I would like to share this poem with you:

FROM OUT OF THE WEST

(By Bert Caswell)

From Out of The West . . .
As over the years, as have come from so here . . . all of our best . . .
Fine Women and Men, of honor so then . . . sons and daughters who our nation have blessed . . .
As over the years . . .
Have been shed many a tear, for all those lost and injured loved ones . . . so very dear . . .

Who are but all our finest daughters and sons, who so bring us to tears . . .

Who but live by a code . . .
Who but carry that burden, who but teach us all so . . . as they carry that load . . .
As now once again, such a very fine man . . . by the name of Kody, so shows us the way . . .

What the word hero so means!
Like Bob Dole of Kansas, they are both one and the same . . .
Who from this great heartland the word hero can claim!

Without his one leg . . .
He lives by a code of honor and faith so strode . . . that would make any heart beg . . .
For there in his darkest of pain, in what God has so left to him . . . so remains . . . the greatest I say . . .

As we so watch him and learn . . .
As Kody so teaches us all to discern . . . how a heart full of courage can burn . . .
As the leg he has lost, but like all our great heroes of the past he accepts that great cost . . . in turn . . .

You see, he's got a life to live . . .
And so much more to this our world to so give . . .
To teach us, to reach us . . . as we so watch in wonder, as his most magnificent heart gives . . .

For on this day . . . we must understand . . .
This Army Man, so shows us the way . . . as taller than most he now so stands . . .
And if I have a son, I pray he'd be like this one . . . who runs with his heart all the way to Heaven's sun . . .

From Out of The West . . .
Once, again . . . as here has so come one of our Nation's best . . .
Who our hearts will so bless, who leave us breathless . . .

In Honor of Kody Wilson

Madam Speaker, I proudly ask that you join me in honoring CPL Kody Wilson, and recognize his courage, commitment and patriotism to serving the United States and the people of Kansas. I truly wish all the best for him in his future endeavors and will remain grateful for his service to our country.

## TRIBUTE TO RAMONA RIPSTON

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BERMAN. Madam Speaker, my colleagues, Representative JANE HARMAN, Representative HENRY WAXMAN. Representative ADAM SCHIFF, Representative DIANE WATSON, Representative MAXINE WATERS, Representative XAVIER BECERRA, Representative LINDA SÁNCHEZ, REPRESENTATIVE HILDA SOLIS and I are greatly pleased to join Ramona Ripston's army of fans in recognizing her decades of service to the American Civil Liberties Union of Southern California, ACLU/SC, and also in celebrating the dedication of the Ramona Ripston Center for Civil Liberties and Civil Rights in Los Angeles. Over many years of friendship, we have admired Ramona's work and sought her advice, as she guided the ACLU/SC as its executive director. She is one of the Nation's premier and most distinguished advocates for civil rights and against violence and hatred.

Many of us have known Ramona for 30 or more years and have been fortunate to work with her on a whole host of issues ranging from immigration reform to the Voting Rights Act, the Constitution and the first amendment. It's been a great pleasure to watch the grace and dedication she brings to everything she does. Whether working with corporate leaders in the boardroom, policymakers on Capitol Hill, and movie stars, or walking Skid Row, she has always brought something extra and very special to the table.

Ramona's view of civil liberties embodies action more than words. She is a frequent visitor in the poorest parts of our communities where she meets with the homeless and destitute of Los Angeles, serving them by making them aware of what a civil liberties organization is and how it can help them know and exercise their basic rights. She does this not only from compassion and empathy, but because she is more comfortable there than sitting in her office. Because of this propensity, the ACLU/SC is the only affiliate to advocate an economic Bill of Rights. She simply succeeded in making economic rights a civil liberties issue.

When civil wars in Central America brought thousands of refugees to America, Ramona could be found where immigrants gathered. She was seeking information about how the INS and our social service and educational entities dealt with them, carrying on the decades of work done by the ACLU/SU in advocating for the rights of all people, including racial and ethnic minorities and the newly-arrived.

In the same way, Ramona made equality of educational opportunity a priority—not just by reading scores and statistics, but by going out to schools in poor areas and meeting with students. She made her office a part of those communities.

Even a quick and cursory review of Ramona's accomplishments and the legion of honors awarded her by prominent community and national leaders and by numerous organizations dedicated to human rights demonstrates the extent of her work: her assertive and articulate voice constantly advancing the causes dear to her and vital to the protection of our liberties—from the right to free speech to the ability to organize as workers, the protection of antiwar demonstrators, the fights against censorship and the defense of civil rights. The ACLU/SC and Ramona have often held controversial positions and done so in the face of vociferous attacks. It is with profound appreciation for their courage, foresight, and tenacity that we salute both her and the organization she has guided.

The ACLU holds that the Constitution is its client, but for Ramona Ripston, it has also been all about the clients themselves. It is a joy to honor her and to congratulate her for the high esteem in which she is held and for the width and breadth of her humanitarian and democratic ideals.

As the new headquarters building—the Ramona Ripston Center for Civil Liberties and Civil Rights—is dedicated, we ask our colleagues to join us in paying tribute to Ramona, and to the ACLU of Southern California for decades of work in defense of liberty and justice for all. The fight is never over and we are grateful for the bulwark you will continue to be.

## THE THINGS WHICH MATTER

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. KILPATRICK. Madam Speaker, I would like to submit the following poem, written by Mr. Albert Carey Caswell, in memory of our late great colleague, Congresswoman Stephanie Tubbs Jones.

THE THINGS WHICH MATTER

The things which matter . . .
The moments which count, the ones all the end which so amount . . .
All in our lives, are all of those things in our hearts of which are so tantamount . . .

The very ones . . .
Which all in the end, are what our souls are really so all about . . .
As to this our world, what we so give no doubt . . . all in these our lives to tout . . .

Are all those things which really matter . . .
Are but the ones, which so make The Angels hearts so shout!
All in the end, are but really what our lives are all about!

The Ways and Means . . .
By which we overcome all the odds, all in our life's themes . . .
Are but the ones, our songs which so make our Lord's heart so shine and gleam . . .

Stephanie Tubbs Jones . . .
A Heroine . . . A Pioneer . . . A Champion for Civil Rights so seen!
A great strong great woman of firsts, who but lived The American Dream!

The only thing bigger than her bright big smile . . .
Was but her fine kind and warm heart, that which so caressed all . . . all the while . . .

For in these our short lifetimes, these are but the things you'll find!

For it's how we live . . .
And it's how we lead, all in this world which so helps her to succeed . . .
And who we care for, and for whom we bleed . . . giving to her what she so needs!

Are but All Those Things Which Really Matter . . .
All in these our times, all in these our short lives which we so bring about . . .
All in the end, what really up in Heaven . . . what so matters no doubt!

## SCHOOL SAFETY ENHANCEMENT ACT 2007

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, I support H.R. 2352, the "School Safety Enhancements Act of 2007", which is aimed at making America a safer place. The bill under consideration addresses health and safety issues for children. I support this bill and I urge my colleagues to support this bill.

H.R. 2352 is necessary and will ensure the protection and safety of our children in a learning environment. Violence at our schools have increased at an alarming rate in States

such as California, Colorado, Illinois, Louisiana, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and Wisconsin over the last few years. H.R. 2352 seeks to curb that stem of violence.

H.R. 2352 increases authorized annual funding from $30 million to $50 million for FY 2008–2009 for the Secure Our Schools grant program, and decreases the non-Federal grant participation percentage from 50 percent to 20 percent. It requires institutions of higher education to conduct annual campus safety assessments and develop and implement campus emergency response plans.

This bill seeks to address the violence in our schools. It will ensure the safety of students and teachers and will make sure that education is the paramount concern of educators.

The Act also increases the Federal portion of the funding from 50 percent to 80 percent, which decreases the non-Federal portion from 50 percent to 20 percent. According to the Community Oriented Policing Services, COPS, Office of the Department of Justice, which administers the Secure Our Schools grants, many of the poorer communities that need help the most have been unable to participate in the program because they cannot afford the previously required 50 percent non-federal grant match. The proposed change in non-Federal funding is more in line with the COPS traditional 75/25 percent split, and should allow more participation in the program.

The Act increases the possible uses of funding to include surveillance equipment, hotlines to report potentially dangerous situations and capital improvements to make school facilities more secure. Finally, the Act requires the establishment of an interagency task force to develop and promulgate advisory school safety guidelines.

The Act amends the existing requirements for grant applications, and requires each grant application to be accompanied by a report, signed by the chief education officer and the attorney general or other chief legal officer, demonstrating that the proposed use of the grant funds is an effective means for improving school safety, is consistent with a comprehensive approach to preventing school violence, and meets the individualized needs of the particular school.

Finally, the Act amends the Higher Education Act and requires each eligible participating institution to conduct an annual campus safety assessment, and develop and implement a campus emergency response plan to address emergency situations, including natural disasters, active shooter situations, and terrorist attacks. The bill is sponsored by Mr. ROTHMAN, and has 52 cosponsors.

MY THREE AMENDMENTS THAT WERE OFFERED AND ACCEPTED

I have three amendments that I offered and that were accepted concerning this bill. The first extended the current requirement of establishing a hotline or tip line to include the reporting of hazardous conditions, including the presence of hazardous chemicals.

The second one requires schools to develop and implement safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation. It would further require that no funds would be disbursed unless the school had a safety plan in place to respond to a terrorist attack or other hazardous condition or situation.

The need for schools to respond to hazardous conditions or situations is necessary because often children are confronted with hazardous conditions and they simply ignore them. This has been a big problem in the Houston Independent School district. For example, in Key Middle School students were getting sick because they were learning in classrooms where mold was growing on the walls and ceilings. The students saw the mold and were getting sick but they did not know how to respond. These amendments would ensure that children are aware of the toxicity of these chemicals and organic substances. This is a real threat. Key Middle School was subsequently closed because of the severe health risks posed to students. My call for student awareness, training, and prevention as pertains to a terrorist attack does not need much explanation. In light of the tragic events of 9/11, we can never be too cautious with schooling and protecting our children. Children need to know what to do and how to respond to dangerous situations during a terrorist threat.

My last amendment goes to the heart of administrative practice. The original bill required that a taskforce create guideline. Because the taskforce is to be established within 30 days of enactment of this act, my amendment allows the taskforce to convene and within 60 days issue a preliminary advisory school safety guideline and after that time it should provide the public with an opportunity through notice and comment and publish a final advisory school safety guideline not later than 30 days after the preliminary guidelines. This is good administrative practice and ensures public participation by students, teachers, and parents.

I urge my colleagues to support this very important bill.

## IN RECOGNITION OF THE SERVICE OF STANLEY REED

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BOOZMAN. Madam Speaker, I rise in recognition of the commitment and service, my friend Stanley Reed provides to Arkansas youth.

Stanley is a leader in the state, serving as President of the Arkansas Farm Bureau, a former member of the Arkansas Board of Trustees, a board member of Baptist Health, and Simmons First National Corporation and a member of the Board of Advisors of the Arkansas World Trade Center and of the Brandon Burlsworth Foundation.

His professional achievements are far reaching, and so are his accomplishments away from the Board Rooms. Stanley spends much of his time and energy being an example for Arkansas youths and helping them lead a better life.

Stanley's life of service will be honored by Arkansas Governor Mike Beebe and the Arkansas Sheriffs' Youth Ranches, an organization that provides a stable living environment with responsible role models.

Stanley has been a very good friend and was a teammate at the University of Arkansas. He has been blessed with a wonderful family, his wife Charlene, son Nathan and daughters Hailey and Anna.

I have had the privilege to work with Stanley throughout my professional career. His dedication, persistence and leadership are all exemplary qualities. I appreciate his friendship and example. I am honored to have had the opportunity to have worked with such a great man, and thank him for his service.

## A TRIBUTE TO GENERAL BRUCE CARLSON

### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. TURNER. Madam Speaker, I appreciate the opportunity to pay tribute to United States Air Force General Bruce Carlson for his 37 years of distinguished and honorable service in the United States Air Force and to our Nation.

General Carlson has had a distinguished career, beginning with his graduation from the Air Force ROTC program at the University of Minnesota. He has held numerous flying assignments, staff and command positions throughout his career. He commanded the 49th Fighter Wing at Holloman Air Force Base, the Air Force's first stealth fighter wing. His staff assignments included time at HQ AF, the office of the Secretary of the Air Force, the office of the Secretary of Defense and the Joint Staff. Prior to serving as Commander of Air Force Materiel Command, General Carlson served as Commander of the 8th Air Force, Barksdale AFB and Joint Functional Component Commander for Space and Global Strike, U. S. Strategic Command, Offutt AFB.

As Commander of AFMC, General Carlson led the organization to meet leadership challenges and world threats. General Carlson championed the Air Force alternative fuels program and delivered on Presidential and Secretary of the Air Force challenges to reduce the military's dependence on foreign oil. General Carlson also oversaw the development and deployment of AngelFire persistent surveillance and reconnaissance program. Under his command, AngelFire deployed to the CENTCOM AOR with the help of Air Force Research Laboratory personnel, marking the first-ever deployment of an AFRL program directly into combat. Additionally, General Carlson delivered the first MQ–9 Reaper to the 42nd Attack Squadron at Creech AFB nearly a year ahead of schedule to meet Air Combat Command requirements.

He received numerous military awards for his service including: Defense Distinguished Service Medal with oak leaf cluster, Legion of Merit, Meritorious Service Medal with two oak leaf clusters, and the Air Force Commendation Medal with two oak leaf clusters. He also received the highest honor from the Air Force enlisted corps, the Order of the Sword. In addition, General Carlson is a command pilot with over 3,300 flight hours.

I have known General Carlson since he took command of AFMC in August 2005.

General Carlson is a man who is honest, provides a straight assessment and has the highest degree of ethics. His service honors the Air Force and our country. I've appreciated his dedication to duty and his willingness to work with the surrounding community. General Carlson truly exemplifies the core values of

the Air Force, "Integrity First, Service Before Self, Excellence in All We Do."

## CONGRATULATING HURST-EULESS-BEFORD ISD

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the students, faculty, and staff from Hurst-Euless-Bedford Independent School District on receiving the prestigious honor of being named the Top District in the State of Texas by Education Resource Group.

Education Resource Group looks at the 200 largest districts in the state, which enroll the majority of students who attend Texas Public schools. Giving careful consideration to academic, demographic, staffing, and financial information, they determine the award recipient. The award measures the relationship between operating expenditures and student achievement.

This year marks the 50th anniversary of Hurst-Euless-Bedford ISD. The district strives to provide an exceptional education to its students, and has received national recognition for its outstanding academic, athletic, and fine arts programs. The district maintains a high quality faculty and staff who host a learning environment that promotes character, achievement, and personal responsibility.

Madam Speaker, I am proud to represent many of the students, faculty, and staff of Hurst-Euless-Bedford ISD in the 26th District of Texas. Their outstanding educational standards set a great example for all academic institutions. I wish them all the best in their future endeavors.

## HONORING JAVIER LOPEZ, M.D.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of my dearest friend and mentor, Javier Lopez, M.D., whose advocacy, love and devotion on behalf of his second family—all of us privileged to be in his care—has made our lives stronger by not only his medical brilliance, but even more significantly, by his kindness, wisdom, compassion, and selfless service in healing our broken bodies and broken hearts.

As a life long advocate on behalf of the poor, the isolated and the elderly, Dr. Lopez lives the principles of his Roman Catholic faith by serving as an instrument of peace and hope every day, as he has done for nearly 50 years along Broadway Avenue. His vocation of healing will continue, as his practice evolves from his daily routine on Broadway Avenue to continuing his missions of medical miracles, ministering to the poor of Colombia, Honduras and to places in the world where medical resources are few yet the need is great.

As a young man, Dr. Lopez journeyed to Cleveland from his homeland of Medellin, Colombia, to complete his residency at St. Alexis Hospital—saying farewell to his family, friends and to the rich culture of Colombia. The people of North and South Broadway were immediately taken by Dr. Lopez' integrity, kindness, compassion and humble nature, and he was also moved by the kindness and gratitude shown to him. Dr. Lopez could have set up his practice in any suburb, but he chose to remain on the tough streets of Cleveland, where he was needed the most.

For the past 50 years, Dr. Lopez' practice was entrenched with a rare and genuine love, concern, compassion and respect for every patient—young, old, of every race and of every economic background.

His most impactful work has been, and continues to be his service to the poor. In our country, where the uninsured are routinely denied health care, they found solace at the office of Dr. Lopez. He never turned anyone away for lack of insurance, nor inability to pay.

Dr. Lopez continues to be a champion of health care justice and reform. He is an outspoken activist in support of universal health care; he has fought diligently on behalf of his patients when crooked health insurers refused to pay, and he worked tirelessly to stop the closing of St. Michael Hospital. After St. Michael's ultimately fell to a system wrought with corruption and greed, Dr. Lopez could have moved his practice away from North Broadway—but it was never even considered—he stayed where he was needed the most.

Dr. Lopez' dedication to his patients is eclipsed only by his devotion to his family. His wife of more than 50 years, Nancy Lopez, has been and continues to be his strongest source of support, love and friendship.

His sons David and Daniel, David's wife Priscilla, his granddaughter Ana and his daughter-in-law to be, Carmen Nogales—continue to be the center and light of his world.

Dr. Lopez's office manager, Toni Maruszak, has been an invaluable and consistent source of support to Dr. Lopez for more than a decade. Her amazing memory, excellent organizational skills and ability to juggle a million things at once always ensured that the office ran smoothly.

More importantly, Toni's remarkable interpersonal skills and great sense of humor provided comfort and reassurance for countless patients during difficult moments.

Madam Speaker and colleagues, please join me in honor and gratitude of Dr. Javier Lopez. Despite his great achievements in medicine, he remains humble, grateful and virtually egoless. He offers the same kindness and attention to the homeless alcoholic as he does to the successful CEO. He is the heart and soul of Broadway Avenue—there is no one like him and he is irreplaceable.

His presence here has been a gift of healing and hope for countless people, including myself and my family—and will continue to be. Dr. Lopez walks shoulder to shoulder in the ranks of healers like Gandhi and Mother Teresa—guided by faith and a genuine belief in the words—"Whatsoever you do to the least of my brothers, that you do unto me."

Vaya con Dios, mi amigo—de hoy, manana, y siempre.

Go with God, my friend—today, tomorrow and forever.

## PERSONAL EXPLANATION

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. PERLMUTTER. Madam Speaker, I rise today to enter into the record a "yes" vote for rollcall vote 671. I was present in the chamber on September 29,2008, and thought my vote had been cast on the rule but was not counted.

## TRIBUTE TO SGT. RICHARD E. REYES

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. COSTA. Madam Speaker, I rise today to honor a true patriot serving in our military, Sergeant Richard E. Reyes. Sgt. Reyes serves proudly in the United States Marine Corps, and hails from Sanger, California. He has recently been named the USO Service Marine of the Year, and I want to send my sincere congratulations.

Sgt. Reyes served as team leader with Company C, 1st Reconnaissance Battalion, Regimental Combat Team 6, which is stationed in Iraq. While serving in the Persian Gulf, Sgt. Reyes led his team on 70 combat missions and was instrumental in the capture of over 35 insurgents. During combat operations in July 2007, his platoon's base came under enemy attack with small arms and machinegun fire. Located just 250 meters from the ambush, Sgt. Reyes maneuvered onto a nearby rooftop, identified the insurgents, and relayed the enemy's location to the platoon commander.

He was still undetected by the enemy, and he and his team engaged the insurgent group with high explosive rounds, which reduced enemy fire on the base, but exposed his position on the rooftop. Sgt. Reyes was determined to end this engagement, which had been going on for 45 minutes. He then moved his team onto another rooftop and single-handedly directed attacks by U.S. jets and helicopters. After several attempts, the enemy's position was destroyed.

Just 3 days later, Sgt. Reyes again demonstrated superb leadership and courage when he engaged an insurgent from the rooftop of his platoon's base and directed a counter-attack. During the firefight, Sgt. Reyes and his team maintained their position and coordinated a diversion using artillery smoke. As a result of his initiative, perseverance, and dedication to duty, an additional two insurgents were captured in this engagement.

Sgt. Reyes is a Sanger High School graduate, and while he was there, he was a three sport athlete. He played for his school's water polo team in the fall, he wrestled in the winter, and swam in the spring. Following graduation, he enlisted in the United States Marine Corps at age 17. Sgt. Reyes is the son of Rosa and Gustavo Reyes, and he has two brothers and two sisters.

On behalf of all my colleagues in the House and Senate, I would like to congratulate Sgt. Richard Reyes for being named the USO

Service Marine of the Year, and thank him for his bravery on the battlefield. He truly exemplifies the courageous service of our men and women in uniform, and especially our United States Marines.

## EXTENDING AUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

SPEECH OF

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 29, 2008*

Mr. GARRETT. Madam Speaker, I am pleased that the House recently considered and unanimously consented to the passage of H.R. 7017, a bill to reauthorize the Delaware Water Gap National Recreation Area (DWGNRA) Citizens Advisory Commission (CAC) for an additional year. Both Representative CARNEY and I believe that this citizen action group serves as an important liaison between National Park Service Officials and park neighbors.

Communication is the key to addressing and resolving citizen concerns, and it is clear that residents and park users value the opportunity to respond to DWGNRA decisions and propose alternative ideas. I was proud to introduce this bipartisan legislation and I believe it will improve the communication process between park officials and the local community. The citizens of New Jersey should be confident in the ability of the Federal Government to hear and address their suggestions.

The Delaware Water Gap region has a turbulent history, one marked by improper government interference and Federal invasion of the rights of property owners. Realizing this, my predecessor, Representative Marge Roukama, authored legislation establishing a Citizen's Advisory Commission (CAC) in 1988. The CAC was reauthorized for an additional decade in 1998 and has served as a forum for the public to interact with park officials.

Due to the combined efforts of various Commission members and park officials, the Delaware Water Gap NRA has increased in popularity and sees millions of visitors each year. These visitors enjoy the beauty of the scenery and the opportunity to participate in activities like hiking, canoeing, and swimming. I am confident that the CAC will continue to play a valuable role in preserving the splendor of the Delaware Water Gap for future generations.

The ability of local residents to communicate with Federal agencies has been one of my main focuses and I call upon the Senate to follow the House's example and pass this important legislation.

## EARMARK DECLARATION

### HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Army.

Legal Name of Receiving Entity: Florida State University, FSU.

Address of Receiving Entity: 211 Westcott Bldg. Tallahassee, FL 32306.

Description of Request: I have secured $2,400,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Army account for Nanotubes Optimized for Lightweight Exceptional Strength, NOLES, project.

This project partners the Army Research Lab, five top U.S. defense companies and FSU's team of multi-disciplinary faculty and students to continue developing unique design, characterization and rapid prototyping capabilities in the field of nano-composite research. This research aims to make advances necessary in vital defense applications.

The U.S. Army's objective of developing effective personnel protection and ligher, stronger fleet of fighting vehicles may be achieved through nanotube research.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Army.

Legal Name of Receiving Entity: University of North Florida.

Address of Receiving Entity: 1 UNF Drive, Jacksonville, FL 32224.

Description of Request: I have secured $800,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Army account for the Direct Methanol Fuel Cell Development.

DMFC devices offer higher energy density, reduced weight, and extended run-time compared to conventional battery alternatives. The proposed project will develop, demonstrate and prototype a ruggedized DMFC powered laptop power supply. Leveraging advances in academic research, membrane development, and systems integration, a team comprised of the University of North Florida, UNF, PolyFuel and University of Florida, UF, will partner to develop a Direct Methanol Fuel Cell battery.

Network Centric operations demand longer run-time from laptop computers and intelligence, surveillance and reconnaissance systems. Mobile electronic devices require increased run-time and operational flexibility to leverage the benefits of wireless operation, streaming video, and voice-data exchange.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Army.

Legal Name of Receiving Entity: Nanotherapeutics.

Address of Receiving Entity: 13859 Progress Blvd., Alachua, FL 32615.

Description of Request: I have secured $1,200,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Army account for the Accelerating Treatment for Trauma Wounds project.

The project goal is to evaluate doxycycline gel for its ability to expedite healing of open wounds among injured U.S. Army soldiers at Walter Reed Army Medical Center when used in conjunction with other good wound care practices. Orally-taken doxcycline has been approved and marketed for decades for treatment of infections caused by susceptible microorganisms. When used in conjunction with, and not a substitute for, good wound care practices including wound cleaning and dressing, doxcycline gel has been shown to increase the incidence of wound closure and reduce the incidence of infection. This product has been approved for human testing.

There is a critical need for effective, low-cost, easy-to-apply treatments to address military trauma/open wounds. U.S. soldiers returning from Iraq and Afghanistan with severe trauma/open wounds must remain in hospital care for 6–12 weeks until the wound is sufficiently healed. The U.S. military community is seeking cost-effective and easy to apply treatments that can speed the rate of healing to 1–2 weeks.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Army.

Legal Name of Receiving Entity: Lockheed Martin Corporation.

Address of Receiving Entity: 12506 Lake Underhill Road Orlando, FL 32855.

Description of Request: I have secured $3,000,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Army account for the Center for Excellence for Military Operations in Urban Terrain and Cultural Training, MOUT–CT, project at Camp Blanding, FL.

The R&D Center of Excellence for Joint MOUT CT will be at the FL National Guard Camp Blanding's existing MOUT site and will perform research, development, and testing of new MOUT technologies, focusing on Cultural and Unconventional Environments. The R&D Center will integrate these new capabilities into existing MOUT capabilities and make these capabilities available to the services' MOUT training programs. Soldiers and Marines will validate these new capabilities at the Florida's National Guard MOUT facility (Camp Blanding) in a holistic, immersive, urban and unconventional environment (Live, Virtual and Constructive). Once tested and integrated, these new capabilities will be available for fielding to all Services and CONUS and OCONUS MOUT training centers. The R&D Center for MOUT CT will be the centralized integrator for new and existing MOUT technologies and will function as the operational link between R&D and training requirements.

The R&D Center for MOUT CT will improve the training that Soldiers and Marines (and

Special Ops) receive in the area of cultural and unconventional warfare issues. By performing the R&D and integration of MOUT training technologies at this center, operational training availability will increase (i.e., more training days will be available) at existing MOUT training centers in CONUS and OCONUS.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Operations and Maintenance, Navy.

Legal Name of Receiving Entity: Concurrent Technologies Corporation.

Address of Receiving Entity: 9570 Regency Square Blvd, Suite 400 Jacksonville, FL 32225.

Description of Request: I have secured $800,000 in funding in H.R. 2368 in the Operations and Maintenance, Navy account for the Sustainable Maintenance and Repair Technologies for Aircraft Composites at the Fleet Readiness Center, Southeast.

This project will provide direct support to the Fleet Readiness Center Southeast, FRCSE, to conduct the demonstration and validation required to introduce new materials, techniques, and processes into the repair, maintenance, and testing of aircraft composite components. The program will evaluate newer modern electrical testing, analysis capability and repair capability, to include stripping, repairing, coatings application and electrical testing to insure attainment of both structural and electrical properties of composite components, including radomes, radar reflectors and other composite structures.

Many aircraft or aircraft components are constructed of a high percentage of composites. Generally, the newer an aircraft is, the higher the percentage of composite components it contains. This trend will most likely continue. However, composite component electrical testing and repair development and implementation is far ahead of FRCSE capability and techniques. In order to continue improving the reliability of repairs and lower the total cost of ownership, newer technologies and expertise have to be transitioned and implemented at FRCSE. In addition, many current composite repair processes are labor intensive and have significant air emissions and hazardous material usage.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Operations and Maintenance, Navy.

Legal Name of Receiving Entity: BAE Systems.

Address of Receiving Entity: 7091 Davis Creek Road Jacksonville, FL 32256.

Description of Request: I have secured $1,600,000 in funding in H.R. 2368 in the Operations and Maintenance, Navy account for the Wireless Pierside Connection System.

This project is a state-of-the-art secure system which supports wireless transmission of both data and voice for shipboard to shore communications when a ship is pierside. The WPCS solution has proven to be operationally sound, has successfully withstood security penetration testing by NIOC and NSA, and has received Type Accreditation by the DSAWG in conjunction with NETWARCOM. Further, the WPCS solution has passed HERP, HERP and HERO testing providing acceptable levels of safety for use both pierside and shipboard.

When U.S. Navy ships return to port the primary voice and data communications connection is one or more fiber and/or copper umbilical cables. The susceptibility of this dated infrastructure to the harsh conditions of the pierside environment and mishandling by Navy and support personnel has rendered this solution unreliable and highly expensive.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Military Construction, Navy.

Legal Name of Receiving Entity: Naval Air Station Jacksonville.

Address of Receiving Entity: Jacksonville, FL.

Description of Request: I have secured $12,890,000 in funding in H.R. 2368 in the Military Construction, Navy account for Child Development Center project at Naval Air Station Jacksonville, FL.

Project will construct a Child Development Center, CDC, for 302 children ages 6 weeks to 6 years for full-day, part-day, and hourly care that are currently housed in substandard buildings and inadequate temporary trailers.

The existing child care facility accommodates approximately 246 children. Another 84 chidren are on an excess demand waiting list. Unborn infants projected list totals 46. Current facilities provide only a fraction of the space required for child care.

Additional space is required to reduce the waiting list of military dependents seeking child care services at NAS Jacksonville.

Naval Air Station Jacksonville is a strategic base for the Navy. This project was programmed by the Navy to receive funding in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Military Construction, Navy.

Legal Name of Receiving Entity: Naval Station Mayport.

Address of Receiving Entity: Mayport, FL.

Description of Request: I have secured $14,900,000 in funding in H.R. 6599 in the Military Construction, Navy account for an Alpha Wharf Improvement project at Naval Station Mayport, FL.

Upgrade 900′ of steel sheet pile bulkhead by driving a new steel sheet pile wall in front of the existing bulkhead, replace concrete pile cap, provide compacted select backfill material in areas of failure behind the bulkhead and between the new bulkhead and existing; replace the concrete encasement of sheet pile and concrete fendering panels; demolish and provide new asphalt wharf deck paving; demolish and reconstruct electrical distribution structure and relocate transformers and switchgear to new facility; install new primary electrical transformer, switchgear and CMU substation enclosure with HV AC for 4160V ships power, install new concrete shore power igloos to support 4160V ships power distribution; install new high security steel reinforced sliding vehicle gate, pedestrian turnstile access facility, wire rope active vehicle barrier and concrete filled, steel pipe passive vehicle bollards; cathodic protection system; concrete retaining wall. The project will demolish concrete pile cap and fendering face, demolish concrete and 5800 SY of asphalt wharf deck paving.

Naval Station Mayport is a strategic base for the Navy. This project was programmed to receive funding in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Military Construction, Navy.

Legal Name of Receiving Entity: Naval Station Mayport.

Address of Receiving Entity: Mayport, FL.

Description of Request: I have secured $3,380,000 in funding in H.R. 2368 in the Military Construction, Navy account for an Aircraft Refueling project at Naval Station Mayport, FL.

This project will construct a two (2) outlet, 300gpm/outlet aircraft direct fueling system to include concrete foundations and slab on grade, 15,000 gallon double wall steel tanks (to be relocated from the existing truck fill stand), concrete containment berms, double walled underground piping, valves, pumps, pressure gauges, filter seperators, leak detection monitors for piping and tanks, float switches, double wall steel product recovery tank, emergency shut off valves, fuel quality monitors, pipe vents, fire protection, pressure indicating transmitter and water drain off system. It would also construct underground double walled fuel transfer line from bulk storage to the direct fueling facility. The project will properly close, by abandoning in place, the existing underground fuel transfer line from the bulk storage to the existing truck fill stand.Closure will include pigging/purging the lines, grout injection of ends, core boring and soil sampling along the fuel transfer line, and submission of a Florida Department of Environmental Protection Closure Assessment Report.

In addition, this project will construct a 150 m2, single story building on a concrete slab on grade and concrete footings. The building and fuel lab will include vinyl floor tile, steel stud/gypsum wallboard walls, hollow core interior steel doors, solid core exterior steel doors, double glazed single hung windows, modified bitumen roofing, interior plumbing, electrical power and lighting wiring, data/communication

wiring, fluorescent lighting fixtures, ceramic bathroom tile, HVAC system/distribution/controls and site utilities (electric, water, sanitary, fiber optic communication/data). The project demolishes building 18 (32 m2) and the truck fill stand facility 142 (400 GM).

Naval Station Mayport is a strategic base for the Navy. This project was programmed to receive funding in Fiscal Year 2012, but was identified by the base commander as the highest unfunded priority in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Navy.

Legal Name of Receiving Entity: OTO Melara North America.

Address of Receiving Entity: 1625 I St., NW. Washington, DC 20006.

Description of Request: I have secured $1,600,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Navy account for 76mm Swarmbuster Capability.

Swarmbuster is a proposed developmental program to integrate the highly accurate fire control information from the MK 15 Close-In Weapons Systems with the high rate of fire, medium caliber, 76mm gun on FFG–7 Class ships.

The Surface Navy lacks an effective capability against High Speed Maneuverable Surface Targets (HSMST's). The Littoral Combat Ship (LCS) was designed with a mission module to combat this threat, but program difficulties will delay delivery of this capability for years. Successful Swarmbuster test results will provide the Navy the opportunity to integrate a layered defense capability into its FFG–7 class ships, against air and surface threats.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 2368—Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test and Evaluation, Defense Wide.

Legal Name of Receiving Entity: L–3 Communications.

Address of Receiving Entity: 6207 Aviation Avenue, Jacksonville, FL 32221.

Description of Request: I have secured $1,600,000 in funding in H.R. 2368 in the Research, Development, Test and Evaluation, Defense Wide account for Low Cost Stabilized Turret project.

The goal of the Low Cost Stabilized Turret program is to develop a small (less than 15 lbs) Electro-Optical/Infrared, EO/IR, turret with High Resolution Video, Cooled Infrared Imagery and a Laser Range Finder with a capability to incorporate a Laser Target Designator. The primary purpose of the turret will be to provide an Intelligence, Surveillance and Reconnaissance (ISR) capability for low cost, expendable UAV systems, consistent with the ''Expendable'' low cost concept.

Technologies incorporated will include a direct drive stabilization system utilizing a MEMS gyro to provide a stabilized imagery package; a cooled IR camera which will provide enhanced night imagery; high resolution, dual field of vision color video; laser range finder with capability to incorporate laser target designator; picture in picture video presentation for enhanced situational awareness; and real-time video relayed via satellite data link or line of sight link.

The Low Cost Stabilized Turret will provide a light weight, low cost solution for a flexible, efficient payload that is consistent with the warfighter's needs, yet in a cost range consistent with the concept of expendable systems.

Department of Defense projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

## DEATHS IN CUSTODY REPORTING PROGRAM

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank Congressman SCOTT from Virginia for his critical insight into this much needed legislation before us. H.R. 3971, the Death in Custody Reporting Program reauthorizes the Bureau of Justice Statistics, BJS, program, which is designed to report the deaths of prisoners and immigration detainees in local and State custody.

The Death in Custody Reporting Act is a critical oversight tool which allows State and local corrections officials and advocates to monitor in-custody suicides, homicides, drug and alcohol overdoses and other critical issues.

Due to the current lack of transparency and accountability, the public and advocacy groups have to rely on word-of-mouth and media accounts to find out about deaths of immigration detainees. According to the ACLU, at least 69 immigrants have died in custody since 2004. A significant number of these deaths occurred in Federal detention facilities.

I am pleased that the Senate amended this legislation to ensure that Federal detention center authorities also had to report under the same circumstances and the State detention centers; finally closing the loophole that allowed deaths of immigration detainees in Federal detention facilities to go unreported.

This program which began in 2000, is supposed to receive death records quarterly from each State's prison and juvenile justice systems and from nearly 18,000 State and local law enforcement agencies. The reports include the age, gender and race of the deceased, the criminal history of the deceased and the circumstances surrounding the death.

Sadly, according to a report by Human Rights Watch the U.S. criminal justice system fails to meet many international standards for the treatment of crime victims. Among other proposed measures in the report, HRW recommended that the United States ratify the 1979 Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child.

Colleagues, nearly 300,000 men, women, and children are detained by U.S. Immigration and Customs Enforcement, ICE, each year, the majority of whom have no criminal history whatsoever. Thousands arrived on our shores fleeing persecution and torture, only to be locked up like criminals in one of over 400 detention facilities around the country. We must not let go of our belief in the innate value of human life, or stray from our fundamental values while detaining immigrants or criminal offenders.

In 1995, after a one-year investigation by journalist Mike Masterson into prison conditions and the death rate of persons in custody, Ashberry Park Press of New Jersey, ran a series of award winning editorials which listed the following abuses resulting in death that were occurring in our jails and prisons: Racially motivated violence, overzealous police investigations, cover-ups and general law enforcement incompetence.

This prompted the Death In Custody Act of 2000 which required reporting of deaths of persons in custody. Since then, The Bureau of Justice Statistics has compiled a number of statistics. My colleague, Congressman BOBBY SCOTT at one point testified to the most astounding statistic—that since reporting deaths have been made mandatory, the latest report dated August 2005 shows a 64 percent decline in suicides and 93 percent decline in homicides for individuals in custody. He stated that these statistics suggest that the oversight measures play an important role in ensuring safety and security of prisoners in State facilities.

I agree with his finds and that is why I support H.R. 3971. We need continued oversight over the conduct of law enforcement in the arrest and imprisonment of citizens and immigrants.

The Bureau of Justice Statistics date shows that between 2001 and 2005, there were 15,308 State prisoner deaths, 5,935 local prisoner deaths and 43 juvenile deaths during incarceration. In my district alone, in the last decade, 106 deaths have occurred in Harris County jail, many because of inability to secure meds or to secure med care after an attack.

IMMIGRANTS IN JAILS

Survivors of torture, asylum-seekers, families with small children and individuals with serious mental health and medical conditions such as HIV/AIDS, are routinely locked up in jails or under jail-like conditions. Studies conducted by the bipartisan Commission on International Religious Freedom, New York University's Bellevue Program, and Physicians for Human Rights have demonstrated that, even in well-run jails, detention itself poses a serious threat to the psychological health of the detainees.

Without the right to appointed counsel and often detained in remote locations, detainees are unable to exercise fully what rights they do have. While I do not stand here and advocate allowing duly processed criminals to be released, or those breaking our immigration law to be simply be set loose, there are safer and more cost-effective alternatives to detention for most immigrants ICE currently detains.

CONCLUSION

Angela Davis, an activist who went from being on the most wanted list to a distinguished and tenured professor in California, said that ''Jails and prisons are designed to

break human beings, to convert the population into specimens in a zoo—obedient to our keepers, but dangerous to each other.''

Is that our goal? Are jails and prisons rehabilitating or are they simply creating more dangerous criminals? We need to better understand what is happening in our society and take account for it. This legislation maintains a log—a report that will track deaths in custody. The more we know what is going on, the more responsible we must become. It is my belief that this is just the beginning of a criminal justice system that needs reform.

## IN RECOGNITION OF HONOR FLIGHT

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. KIND. Madam Speaker, I rise today to commend Honor Flight for their ongoing work to honor America's veterans. Honor Flight provides World War II veterans the opportunity to travel to Washington, DC, to visit and reflect at the World War II Memorial constructed in their honor. Funded by donations from businesses and individuals, the trip is absolutely free of charge and serves as an excellent tribute to veterans who sacrificed, some paying the ultimate price, in the name of freedom.

Started in 2005 by Earl Morse, Honor Flight has grown from a small operation, flying a dozen veterans at a time in small private planes, to a network of affiliates that spans 30 States and transports hundreds of veterans to Washington on commercial airliners to see their memorial.

On October 8, 2008, the local Honor Flight Affiliate in my hometown of La Crosse, Wisconsin, will be flying some 180 veterans, many of whom reside in my district, to Washington, DC, to visit the World War II memorial. I would like to personally thank Neil Duresky, Chuck Hanson, and Randy Eddy for all their hard work to make this dream a reality for Wisconsin veterans, who served their country so admirably and with such courage. Without Honor Flight, many veterans would never have the opportunity to travel to Washington to see the memorial that was constructed in their honor.

Given the enormity of the sacrifice made by those who have served and continue to serve our country with the highest degree of honor and bravery, there is nothing we can do to fully repay them for their efforts. Thanks to Honor Flight, however, we can offer them the chance to visit the memorial dedicated to their service.

It is my sincere hope that the actions of Honor Flight inspire others to pause and reflect upon the sacrifices made and effort expended by our men and women in uniform, who are the best in the world. I will continue to honor and pay tribute to those who serve our country for their sense of duty and extraordinary courage.

## HONORING ROBERT AND DONNA DEPRIEST

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. COOPER. Madam Speaker, I am honored to select Robert and Donna DePriest as the Fifth District of Tennessee's Angels in Adoption nominee this year.

Robert and Donna, and their children, Matthew and Melissa—all of Old Hickory, Tennessee—have devoted almost 15 years of their lives to the love, care, and support of numerous children from Tennessee's foster care system. I greatly admire their service to help provide a home to some of the neediest children in our society.

The DePriests stand out as foster parents because of their commitment to medically fragile children—many of whom had a very short life expectancy. The devotion and sacrifice this family has made to these special children has been truly above and beyond their call of duty. Due to the specific needs of these children, the family is often required to be specially trained in a variety of medical procedures. Though the level of care needed for these special children has frequently made it difficult for the DePreists to participate in family activities outside the home, they have still remained both willing and passionate about continuing to provide homes and care for many children in Tennessee.

The DePriest family has adopted four of the children that they cared for over the years. These children are Zachary, 12, Angel, 5, Heaven, 4, and Savannah, 2.

I appreciate all that the DePriest family has done, and thank them for their service. I hope that the DePriest family will continue to love and care for Tennessee's children for many years to come.

## A TRIBUTE TO RICHARD LOPEZ

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. NEUGEBAUER. Madam Speaker, I would like to take this time to remember Richard Lopez, a long-time champion of those less fortunate in West Texas. Mr. Lopez passed away on June 8, 2008, at the age of 74.

Richard Lopez inherited his charitable spirit from his father, with whom he would travel long distances as a child to collect fruit and vegetables to deliver to their neighbors in need. He carried these lessons learned as a child forward and become known for his work as the executive director of the Guadalupe Economic Services Corporation and as the cofounder of the South Plains Food Bank.

Born in Edinburg, Texas, Mr. Lopez attended the University of Mississippi and married Rachel Bustillos on April 7th, 1982 in Lubbock, Texas. Following the destructive tornado that struck Lubbock in 1970, Mr. Lopez worked to help rebuild devastated parts of North Lubbock.

He was a tireless advocate for area migrant workers and of the less fortunate in Lubbock. He was widely known as the ''Cesar Chavez of West Texas'' because of his compassion for others. A rare leader, Mr. Lopez never missed an opportunity to help people find affordable housing or to offer encouragement to farm laborers before they left to work on the harvest.

Mr. Lopez was dedicated to his community. In addition to more than 25 years of service with the Guadalupe Economic Services Corporation and the South Plains Food Bank, he was the founder of the Ad Hoc Committee for Farm Workers in West Texas and a founder of the Lubbock Indigent Health Consortium. He also received countless community service awards in recognition of his devotion to others.

Those from District 19, including myself, will miss Mr. Lopez's enthusiasm for life, dedication to the betterment of his community, and his great passion for helping those around him.

## TRIBUTE TO RETIRING CONGRESSIONAL MEMBER U.S. REPRESENTATIVE DAVE WELDON (FL–15)

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. PUTNAM. Madam Speaker, I rise today to honor a colleague and friend, U.S. Representative DAVE WELDON who has served this body and the people of Florida well over the last 14 years.

Congressman WELDON has made valuable contributions not only to the people of Florida's 15th Congressional District, but also to the U.S. House of Representatives and the American public at large, who will continue to realize his long-standing efforts and contributions into the future.

As most in this body know, Dr. DAVE WELDON, M.D., F.A.C.P. of Melbourne, Florida, is a practicing physician and Army veteran. His background and expertise have been called upon on numerous occasions to strengthen this nation's space program, healthcare policy, energy resources, foreign affairs, and veterans' programs among others.

Dr. WELDON was the first medical doctor to have served in Congress from the State of Florida, and continues to treat patients at a Veterans' clinic in his congressional district on a volunteer basis. Rep. WELDON served on the House Appropriations Committee, and in that capacity was a member on various subcommittees, including the Science, State, Justice and Commerce Subcommittee, which has funding oversight of several key executive branch agencies including NASA. In the 110th Congress, he served on the Labor, Health, and Human Services, as well as the State and Foreign Operations Appropriations Subcommittees.

I have had the privilege to work closely with Dr. WELDON regarding many issues affecting Florida, as his congressional district borders my own in central Florida. In areas such as the space program and NASA, he has become a leader and will be long-recognized. I also worked hand-in-hand with him during several tumultuous hurricanes, in which he gave so generously of his efforts to benefit and rebuild for the people of our state.

His leadership in the House included serving as Vice Chairman of the Science Subcommittee on Space and Aeronautics, for 8

years, where he represented the interests of his constituents at Patrick Air Force Base and Cape Canaveral Air Station, and surrounding aerospace community. He is the co-founder and chairman of the Congressional Aerospace Caucus.

Rep. WELDON is also a member of the Autism Caucus, the Cancer Caucus, the Renewable Energy Caucus, the Tourism Caucus, and the Military Veterans Caucus. He is a member of the Veterans of Foreign Wars, Post 453A, known as the ''Rocket Post,'' in Rockledge, Florida.

Madam Speaker, I rise to again express my appreciation, as well as those of the people of the State of Florida and my colleagues in Congress, for the dedication of Dr. DAVE WELDON in his service in the United States Congress. My best wishes go out to him and his family for his future endeavors.

## INTRODUCTION OF THE ''FIXING THE FEDERAL VOTING ASSISTANCE PROGRAM ACT OF 2008''

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mrs. MALONEY of New York. Madam Speaker, today, along with Representative HONDA (D–CA), I am introducing the ''Fixing the Federal Voting Assistance Program Act of 2008'' which would do two things: (1) make the Director of the Federal Voting Assistance Office a presidential nominee confirmable by the Senate, and (2) create an advisory board to strengthen oversight of the office to ensure better access to the ballot by overseas military and civilians voters.

The recent history of the Federal Voter Assistance Program (FVAP) is one of clear lapses in the Government's efforts to help ensure access to the ballot for thousands of overseas voters, both civilian and military in recent elections. This legislation is designed to bring greater attention to the voting office in the Department of Defense and enhanced oversight to ensure that it does its job of providing greater access to voting for our soldiers, sailors and airmen, their families, as well as civilians living overseas.

The ''Fixing the Federal Voting Assistance Program Act'' is a necessary step in ensuring that overseas voters are counted in elections. Unfortunately, it will not help with the coming election. I believe that Americans serving in the military abroad or civilians residing overseas will still not have adequate help from the Government in facilitating their right of access to the ballot. I and Representative HONDA believe we need to start working on improving access to the next election now while the problems are still fresh in our minds so that we are not facing them again in 2010.

## COMMEMORATING TAIWAN'S NATIONAL DAY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 3, 2008*

Mr. RANGEL. Madam Speaker, I rise today to commemorate Taiwan's National Day, also known as Double Ten Day. This day marks a special moment in Taiwan's history. It was the start of the Wuchang uprising that led to the overthrow of the Ching dynasty and laid the foundation for the establishment of the first democracy founded in Asia.

Taiwan has been a long time supporter and ally of the United States and its people. Taiwan continues to be our ally in the war on terrorism by cooperating with humanitarian assistance in Iraq and Afghanistan. They have shown generosity and compassion by contributing to the Twin Towers Fund and Pentagon Memorial Fund, and now to the victims of Hurricane Katrina. Continually, Taiwan has proved to be a true ally to the people of the United States.

In sharing the same beliefs in freedom and democracy, we can further our ties by protecting these ideas in our countries and throughout the world. May this year's celebration be one of the most memorable and enjoyed in Taiwan's history.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 25, 2008*

Mr. COOPER. Mr. Speaker, for 18 years, Members of Congress have had the pleasure of working with an exemplary representative. And for 18 years, the constituents of northern Alabama have been represented by an extraordinary man. Today, I would like to honor the service of my friend and colleague, BUD CRAMER.

Over his time here in Congress, BUD has generated a noteworthy list of accomplishments: co-founder of the Blue Dog Coalition, one of the strongest allies for NASA, and a tireless advocate for children, authoring the monumental National Children's Advocacy Program Act. He managed to balance national needs while staying true to his Huntsville roots. BUD, your absence will be a loss not just for the Blue Dog Coalition, not just for Congress, but for the Nation as a whole. I wish you the best in your years to come.

# *Daily Digest*

## Senate

### *Chamber Action*

The Senate was not in session today. It will next meet at 3 p.m. on Monday, October 6, 2008.

### *Committee Meetings*

*(Committees not listed did not meet)*

**EMPLOYMENT**

*Joint Economic Committee:* Committee concluded hearings to examine the employment-unemployment situation for September 2008, after receiving testimony from Keith Hall, Commissioner, Bureau of Labor Statistics, Department of Labor.

## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 18 public bills, H.R. 7252–7270; 11 private bill, H.R. 7271; and 2 resolutions, H. Res. 1527–1528 were introduced. **Pages H10827–28**

**Additional Cosponsors:** **Page H10828**

**Reports Filed:** Reports were filed today as follows:

H.R. 1071, to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, with an amendment (H. Rept. 110–909);

H.R. 6870, to ensure that implementation of proposed regulations under subchapter IV of chapter 53 of title 31, United States Code, does not cause harm to the payments system, with an amendment (H. Rept. 110–910);

H.R. 6034, to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children, with an amendment (H. Rept. 110–911);

H.R. 6020, to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families (H. Rept. 110–912);

H.R. 5546, to amend the antitrust laws to ensure competitive market-based rates and terms for merchants access to electronic payment systems, with an amendment (H. Rept. 110–913); and

Report on Challenges and Recommendations for United States Overhead Architecture (H. Rept. 110–914). **Page H10827**

**Extending the Andean Trade Preference Act:** The House agreed by unanimous consent to the Senate amendment to H.R. 7222, to extend the Andean Trade Preference Act. **Pages H10710–12**

**Emergency Economic Stabilization Act of 2008:** The House agreed to the Senate amendments to 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, by a yea-and-nay vote of 263 yeas to 171 nays, Roll No. 681. **Pages H10702–10, H10712–H10806**

H. Res. 1525, the rule providing for consideration of the Senate amendments, was agreed to by a yea-and-nay vote of 223 yeas to 205 nays, Roll No. 680, after agreeing to order the previous question by a yea-and-nay vote of 235 yeas to 190 nays, Roll No. 679. **Pages H10709–10**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Thursday, October 2nd:

***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, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 682. **Pages H10806–07**

**Organ Transplant Authorization Act of 2008:** The House agreed by unanimous consent to the Senate amendment to H.R. 6469, to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network. **Page H10807**

**Child Safe Viewing Act:** The House agreed to discharge from commitee and pass S. 602, as amended, to develop the next generation of parental control technology. **Pages H10807–08**

**Suspension:** The House agreed to suspend the rules and pass the following measures:

***Unemployment Compensation Extension Act of 2008:*** H.R. 6867, amended, to provide for additional emergency unemployment compensation, by a ⅔ yea-and-nay vote of 368 yeas to 28 nays, Roll No. 683. **Pages H10808–14**

**Congratulating the members of the United States Olympic and Paralympic Teams:** The House agreed to discharge from committee and agree to H. Res. 1527, to congratulate the members of the United States Olympic and Paralympic Teams on their success in the 2008 Summer Olympic and Paralympic Games and to support the selection of Chicago, Illinois, as the site of the 2016 Summer Olympic and Paralympic Games. **Pages H10814–15**

**United States Army Commemorative Coin Act of 2008:** The House agreed to discharge from committee and pass H.R. 5714, as amended, 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. **Pages H10815–16**

**Presidential Message:** Read a message from the President wherein he transmitted a report on the continued production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2009 referred to the Committee on Armed Services and ordered printed (H. Doc. 110–149). **Page H10808**

**Senate Messages:** Messages received from the Senate today appear on pages H10806 and H10816.

**Senate Referrals:** S. 2579, S. 3625, and S. 3521 were held at the desk. **Page H10806**

**Quorum Calls—Votes:** Five yea-and-nay votes developed during the proceedings of today and appear on pages H10709, H10710, H10805–06, H10806–07 and H10814. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and at 3:29 p.m., pursuant to the provisions of H. Con. Res. 440, the House stands adjourned until 11 a.m. on Saturday, January 3, 2009.

# *Committee Meetings*

## U.S. ATTORNEYS CONTROVERSY AND RELATED MATTERS

*Committee on the Judiciary:* Continued hearings on the investigation into the U.S. Attorneys Controversy and Related Matters (Part IV). Testimony was heard from Glenn A. Fine, Inspector General, U.S. Department of Justice.

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## CONGRESSIONAL PROGRAM AHEAD

### Week of October 6 through October 11, 2008

### Senate Chamber

To be announced.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

To be announced.

### House Committees

*Committee on Education and Labor,* October 7, hearing on the Impact of the Financial Crisis on Workers' Retirement Security, 1 p.m., 2175 Rayburn.

*Committee on Foreign Affairs,* October 8, Subcommittee on International Organizations, Human Rights, and Oversight, briefing on Political Reconciliation in Irag and the Helsinki II Process: Lessons from South Africa and Northern Ireland, 9:30 a.m., 2172 Rayburn.

*Committee on Oversight and Government Reform,* October 6, hearing on the Causes and Effects of the Lehman Brothers Bankruptcy, 10 a.m., 2154 Rayburn.

October 7, hearing on the Causes and Effects of the AIG Bailout, 10 a.m., 2154 Rayburn.

*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

11 a.m., Saturday, January 3, 2009

House Chamber

**Program for Saturday:** To be announced.

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